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L A W S

OF THE

STATE OF MISSISSIPPI,

PASSED AT A REGULAR SESSION

OF THE

MISSISSIPPI LEGISLATURE,

HELD IN THE

CITY OF JACKSON, November & December
1861, and January, 1862.

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CONSTITUTION

OF THE

STATE OF MISSISSIPPI.

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ARTICLE I.

DECLARATION OF RIGHTS.

THAT the general, great and essential principles of liberty and free government may be recognized and established, WE DECLARE :

SECTION 1. That all freemen, when they form a social compact, are equal in rights; and that no men, or set of men, are entitled to exclusive, separate public emoluments or privileges from the community, but in consideration of public services. Equality and natural rights

SEC. 2. That all political power is inherent in the people, and all free governments are founded on their authority and established for their benefit; and, therefore, they have, at all times, an inalienable and indefeasible right to alter or abolish their form of government in such manner as they may think expedient.

Religious
worship.

SEC. 3. The exercise and enjoyment of religious profession and worship, without discrimination, shall forever, be free to all persons in this State: *Provided*, That the right hereby declared and established shall not be so construed as to excuse the acts of licentiousness, or justify practices inconsistent with the peace and safety of the State.

SEC. 4. No preference shall ever be given by law to any religious sect or mode of worship.

SEC. 5. That no person shall be molested for his opinions on any subject whatever, nor suffer any civil or political incapacity, or acquire any civil or political advantage in consequence of such opinions except in cases provided for in this constitution.

Freedom
of speech.

SEC. 6. Every citizen may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that liberty.

SEC. 7. No law shall ever be passed to curtail or restrain the liberty of speech or of the press.

Truth to
be given
in evidence
in all pro-
secutions
for libel.

SEC. 8. In all prosecutions or indictments for libel, the truth may be given in evidence; and if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the facts.

SEC. 9. That the people shall be secure in their persons, houses, papers and possessions, from unreasonable seizures and searches; and that no warrant to search any place, or to seize any person or thing, shall issue without describing the place to be searched, and the person or thing to be seized, as nearly as may be, nor without probable cause, supported by oath or affirmation.

The accu-
sed, how
heard and
convicted.

SEC. 10. That in all criminal prosecutions, the accused hath a right to be heard by himself, or counsel, or both; to demand the nature and cause of the accusation; to be confronted by the witnesses against him; to have a compulsory process for obtaining witnesses in his favor; and in all prosecutions, by indictment or information, a speedy and public trial by an impartial jury of the country where the offence was committed; that he cannot be compelled to give evidence against himself; nor can he be deprived of his life, liberty or property, but by due course of law.

SEC. 11. No person shall be accused, arrested or detained, except in cases ascertained by law, and according to the form which the same has prescribed; and no person shall be punished but in virtue of a law established and promulgated prior to the offence, and legally applied.

SEC. 12. That no person shall, for an indictable offence, be proceeded against criminally by information, except in cases arising in the land or naval forces, or in the militia, when in actual service, or by leave of the court, for misdemeanor in office. Proceedings in indictable offences.

SEC. 13. No person shall, for the same offence, be twice put in jeopardy of life or limb; nor shall any person's property be taken or applied to public use without the consent of the Legislature, and without just compensation being first made therefor.

SEC. 14. That all courts shall open, and every person, for an injury done him in his lands, goods, person or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial or delay.

SEC. 15. That no power of suspending laws shall be exercised except by the Legislature or its authority.

SEC. 16. That excessive bail shall not be required, nor excessive fines imposed, nor cruel punishment inflicted. Excessive bail.

SEC. 17. That all prisoners shall, before conviction, be bailable by sufficient securities, except for capital offences, where the proof is evident, or the presumption great; and the privilege of the writ of habeas corpus shall not be suspended, unless, when in a case of rebellion or invasion, the public safety may require it. Bailable offences, habeas corpus, &c.

SEC. 18. That the person of a debtor, when there is not strong presumption of fraud, shall not be detained in prison after delivering up his estate for the benefit of his creditors, in such a manner as shall be prescribed by law. When debtor not to be imprisoned.

SEC. 19. No conviction for any offence shall work corruption of blood or forfeiture of estate: the Legislature shall pass no bill of attainder or *post facto* law, nor law for impairing the obligation of contracts.

SEC. 20. No property qualification for eligibility to office, or for the right of suffrage, shall ever be required by law in this State.

The estates of suicides.

SEC. 21. That the estates of suicides shall descend or vest as in cases of natural death; and if any person shall be killed by casualty, there shall be no forfeiture by reason thereof.

The right of petition

SEC. 22. That the citizens have a right, in a peaceable manner, to assemble together for their common good; and to apply to those invested with the powers of government for redress of grievances or other purposes, by petition, address or remonstrance.

Right to bear arms

SEC. 23. Every citizen has a right to bear arms in defence of himself and of the State.

No standing army except, &c

SEC. 24. No standing army shall be kept up without the consent of the Legislature; and the military shall, in all cases and at all times, be in strict subordination to the civil power.

SEC. 25. That no soldier shall, in time of peace, be quartered in any house without the consent of the owner, or in time of war, but in the manner to be prescribed by law.

SEC. 26. That no hereditary emoluments, privileges or honors shall ever be granted or conferred in this State.

Emigration, &c.

SEC. 27. Emigration from this State shall not be prohibited, nor shall any free white citizen of this State ever be exiled under any pretence whatever.

Trial by jury.

SEC. 28. The right of trial by jury shall remain inviolate.

Prosecution of suits.

SEC. 29. No person shall be debarred from prosecuting or defending any civil cause for or against him or herself, before any tribunal of this State, by him or herself or counsel, or both.

Tenure of office.

SEC. 30. No person shall ever be appointed or elected to any office in this State for life or during good behavior; but the tenure of all offices shall be for some limited period of time; if the person appointed or elected thereto shall so long behave well.

CONCLUSION.

To guard against transgressions of the high powers herein delegated, WE DECLARE that everything in this article is excepted out of the general powers of government, and shall forever remain inviolate : and that all laws contrary thereto, or to the following provisions, shall be void :

ARTICLE II

DISTRIBUTION OF POWERS.

SEC. 1. The powers of the government of the State of Mississippi shall be divided into three distinct departments, and each of them confided to a separate body of Magistracy, to-wit : those which are legislative to one, those which are judicial to another, and those which are executive to another. Distribu-
tion of
powers.

SEC. 2. No person, or collection of persons, being of one of those departments, shall exercise any power properly belonging to either of the others, except in the instances hereinafter expressly directed or permitted.

ARTICLE III.

LEGISLATIVE DEPARTMENT.

SEC. 1. Every free white male person of the age of twenty-one years or upwards, who shall be a citizen of the Confederate States of America, and shall have resided in this State one year next preceeding an election, and the last four months within the county, city or town, in which he offers to vote, shall be deemed a qualified elector ; and any such qualified elector, who may happen to be in any county, city or town, other than that of his residence, at the time of an election, or who shall have removed to any county, city or town within four months preceeding the election, from any county, city or town, in which he would have been a qualified elector had he not so removed may vote for any State or district officer, or member of Congress, for whom he could have voted in the county of his residence, or the county, city or town from which he may have so removed. Qualified
electors.

Electors.

SEC. 2. Electors shall, in all cases except in those of treason, felony, or breach of the peace, be privileged from arrest during their attendance on elections, and going and returning from the same.

SEC. 3. The first elections shall be by ballot, and all future elections by the people shall be regulated by law.

SEC. 4. That legislative powers of this State shall be vested in two distinct branches: the one to be styled "the Senate," the other, "the House of Representatives," and both together "the Legislature of the State of Mississippi; and the style of their laws shall be, *Be it enacted by the Legislature of the State of Mississippi.*

SEC. 5. The members of the House of Representatives shall be chosen by the qualified electors, and shall serve for the term of two years, from the day of the commencement of the general election, and no longer.

SEC. 6. The representatives shall be chosen every two years, on the first Monday and day following in November.

Qualifications.

SEC. 7. No person shall be a representative unless he be a citizen of the Confederate States of America, and shall have been an inhabitant of this State two years next preceding his election, and the last year thereof a resident of the county city or town for which he shall be chosen, and shall have attained the age of twenty-one years.

Elections where to be held.

SEC. 8. Elections for representatives for the several counties shall be held at the places of holding their respective courts, or in the several election districts into which the county may be divided; *Provided*, that when it shall appear to the legislature that any city or town has a number of free white inhabitants equal to the ratio then fixed, such city or town shall have a separate representation, according to the number of free white inhabitants therein, which shall be retained so long as such city or town shall contain a number of free white inhabitants equal to the existing ratio, and thereafter, and during the existence of the right of separate representation in such city or town, elections for the county in which such city or town, entitled to separate representation, is situated, shall not be held in such city or town: *And provided*, that if the residu-

When a town or city entitled to separate representation.

um or fraction of any city or town, entitled to separate representation, shall, when added to the residuum in the county in which it may lie, be equal to the ratio fixed by law for one representative, then the aforesaid county, city or town, having the largest residuum, shall be entitled to such representation: *And provided, also,* That when there are two or more counties adjoining, which have residuums over and above the ratio then fixed by law, if such residuums, when added together, will amount to such ratio, in that case one representative shall be added to that county having the largest residuum.

Residuum
&c.

SEC. 9. The Legislature shall, at their first session, and at periods of not less than every four, nor more than every six years, until the year 1845, and thereafter at periods of not less than every four nor more than every eight years, cause an enumeration to be made of all the free white inhabitants of this State, and the whole number of representatives shall at the several periods of making such enumeration, be fixed by the legislature and apportioned among the several counties, cities or towns entitled to separate representation, according to the number of free white inhabitants in each, and shall not be less than thirty-six nor more than one hundred: *Provided however,* That each county shall always be entitled to at least one representative.

Enumeration
and
apportionment.

SEC. 10. The whole number of senators shall, at the several periods of making the enumeration before mentioned, be fixed by the Legislature, and apportioned among the several districts to be established by law, according to the number of free white inhabitants in each, and shall never be less than one-fourth nor more than one-third of the whole number of representatives.

Number
of repre-
sentatives

Senators,
&c.

SEC. 11. The senators shall be chosen by the qualified electors for four years, and on their being convened in consequence of the first election, they shall be divided by lot from their respective districts into two classes, as nearly equal as can be, and the seats of the senators of the first class shall be vacated at the expiration of the second year.

Number,
&c.

SEC. 12. Such mode of classifying new additional senators shall be observed as will as nearly as possible preserve an equality of members in each class.

How cho-
sen and
classified,

SEC. 13. When a senatorial district shall be composed of two or more counties, it shall not be entirely separated by any county belonging to another district, and no county shall be divided in forming a district.

Qualifications of Senators. SEC. 14. No person shall be a senator unless he be a citizen of the Confederate States of America, and shall have been an inhabitant of this State for four years next preceding his election, and the last year thereof a resident of the district for which he shall be chosen, and have attained the age of thirty years.

Speaker of the House and other Officers. SEC. 15. The House of Representatives, when assembled, shall choose a Speaker and its other officers, and the Senate shall choose a President and its officers, and each house shall judge of the qualifications and elections of its own members, but a contested election shall be determined in such manner as shall be directed by law. A majority of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members, in such manner and under such penalties as each house may provide.

Powers of each house. SEC. 16. Each house may determine the rules of its own proceedings, punish members for disorderly behavior, and, with the consent of two-thirds, expel a member, but not a second time for the same cause; and shall have all other powers necessary for a branch of the legislature of a free and independent State.

Journals of yeas and nays. SEC. 17. Each house shall keep a journal of its proceedings, and publish the same; and the yeas and nays of the members of either house, on any question, shall, at the desire of any three members present, be entered on the journal.

Vacancies. SEC. 18. When vacancies happen in either house, the Governor, or the person exercising the powers of the Governor, shall issue writs of election to fill such vacancies.

Privileged from arrest; exception. SEC. 19. Senators and representatives shall, in all cases, except of treason, felony, or breach of the peace, be privileged from arrest during the session of the legislature, and in going to and returning from the same, allowing one day for every twenty miles such member may reside from the place at which the legislature is convened.

SEC. 20. Each house may punish, by imprisonment during the session, any person, not a member, for disrespectful or disorderly behavior in its presence, or for obstructing any of its proceedings: *Provided*, such imprisonment shall not, at any one time, exceed forty-eight hours.

SEC. 21. The doors of each house shall be open, except on such occasions of great emergency as, in the opinion of the house, may require secrecy.

SEC. 22. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting.

SEC. 23. Bills may originate in either house, and be amended, altered or rejected by the other, but no bill shall have the force of a law until, on three several days, it be read in each house, and free discussion be allowed thereon, unless four-fifths of the house in which the bill shall be pending may deem it expedient to dispense with this rule; and every bill, having passed both houses, shall be signed by the speaker and president of their respective houses.

SEC. 24. All bills for raising revenue shall originate in the House of Representatives, but the Senate may amend or reject them, as other bills.

SEC. 25. Each member of the legislature shall receive, from the public treasury, a compensation for his services, which may be increased or diminished by law, but no increase of compensation shall take effect during the session at which such increase shall have been made.

SEC. 26. No senator or representative shall, during the term for which he shall have been elected, nor for one year thereafter, be appointed to any civil office of profit under the State, which shall have been created, or the emoluments of which shall have been increased during such term, except such offices as may be filled by elections by the people; and no member of either house of the legislature shall, after the commencement of the first session of the legislature after his election, and during the remainder of the term for which he is elected, be eligible to any office or place, the appointment to which may be made, in whole or in part, by either branch of the legislature.

Compensation of the members.

Members not eligible to office.

Officers not eligible to legislature. SEC. 27. No judge of any court of law or equity, secretary of state, attorney-general, clerk of any court of record, sheriff or collector, or any person holding a lucrative office under the laws of the Confederate States of America, or of this State, shall be eligible to the legislature: *Provided*, That officers in the militia, to which there is attached no annual salary, and the office of the justice of the peace, shall not be deemed lucrative.

Default'rs SEC. 28. No person who has heretofore, or hereafter, been a collector or holder of public moneys, shall have a seat in either house of the legislature until such person shall have accounted for, and paid into the treasury, all sums for which he may be accountable.

First election, when holden. SEC. 29. The first election for senators and representatives shall be general throughout the State, and shall be held on the first Monday, and day following, in November, 1833; and thereafter there shall be biennial elections for senators to fill the places of those whose term of service may have expired.

Seat of Govern't. SEC. 30. The first and all future sessions of the legislature shall be held in the town of Jackson, in the county of Hinds, until the year 1850. During the first session thereafter, the legislature shall have power to designate by law, the permanent seat of government: *Provided, however*, That unless such designation be then made by law, the seat of government shall continue permanently at the town of Jackson. The first session shall commence on the third Monday in November, in the year 1833; and in every two years thereafter, at such time as may be prescribed by law.

SEC. 31. The governor, secretary of state, treasurer, auditor of public accounts and attorney-general, shall reside at the seat of government.

ARTICLE IV.

JUDICIAL DEPARTMENT.

Judicial power. SEC. 1. The judicial power of the State shall be vested in one high court of errors and appeals, and such other courts of law and equity as are hereafter provided for in this constitution.

SEC. 2. The high court of errors and appeals shall consist of three judges, any two of whom shall form a quorum. The legislature shall divide the State into three districts, and the qualified electors of each district shall elect one of said judges for the term of six years.

High court
of errors
and ap-
peals

SEC. 3. The office of one of said judges shall be vacated in two years, and one in four years, and one in six years—so that, at the expiration of every two years, one of said judges shall be elected, as aforesaid.

Judges
how elec-
ted, term
of office.

SEC. 4. The high court of errors and appeals shall have no jurisdiction but such as properly belongs to a court of errors and appeals.

Jurisdic-
tion.

SEC. 5. All vacancies that may occur in said court, from death, resignation, or removal, shall be filled by election as aforesaid: *Provided, however,* That if the unexpired term do not exceed one year, the vacancy shall be filled by executive appointment.

Vacancies

SEC. 6. No person shall be eligible to the office of judge of the high court of errors and appeals, who shall not have attained, at the time of his election, the age of thirty years.

Where
holden.

SEC. 7. The high court of errors and appeals shall be held twice in each year, at such place as the legislature shall direct, until the year eighteen hundred and thirty-six, and afterwards at the seat of government of the State.

First elec-
tion.

SEC. 8. The secretary of state, on receiving all the official returns of the first election, shall proceed forthwith, in the presence and with the assistance of two justices of the peace, to determine, by lot, among the three candidates having the highest number of votes, which of said judges shall serve for the term of two years, which shall serve for the term of four years, and which shall serve for the term of six years; and, having so determined the same, it shall be the duty of the Governor to issue commissions accordingly.

Term of
office.

SEC. 9. No judge shall sit on the trial of any cause when the parties or either of them shall be connected with him by affinity or consanguinity, or when he may be interested in the same, except by consent of the judge and of the parties; and when-

When
judge dis-
qualified.

ever a quorum of said court are situated as aforesaid, the Governor of the State shall in such case especially commission two or more men of law knowledge, for the determination thereof.

Salaries. SEC. 10. The judges of said court shall receive for their services a compensation to be fixed by law, which shall not be diminished during their continuance in office.

Judges of Circuit Court. SEC. 11. The judges of the circuit court shall be elected by the qualified electors of each judicial district, and hold their offices for the term of four years, and reside in their respective districts.

Qualifications. SEC. 12. No person shall be eligible to the office of judge of the circuit court, who shall not at the time of his election, have attained the age of twenty-six years.

Circuit. SEC. 13. The State shall be divided into convenient districts, and each district shall contain not less than three nor more than twelve counties.

Jurisdiction. SEC. 14. The circuit courts shall have original jurisdiction in all matters, civil and criminal, within this State; but in civil cases only when the principal of the sum in controversy exceeds fifty dollars.

Chancery courts. SEC. 15. A circuit court shall be held in each county of this State, at least twice in each year; and the judges of said court shall interchange circuits with each other, in such manner as may be prescribed by law, and shall receive for their services a compensation to be fixed by law, which shall not be diminished during their continuance in office.

Jurisdiction. SEC. 16. A separate superior court of chancery shall be established, with full jurisdiction in all matters of equity: *Provided, however,* The legislature may give to the circuit courts of each county equity jurisdiction in all cases where the value of the thing or the amount in controversy does not exceed five hundred dollars; also, in all cases of divorce, and for the foreclosure of mortgages. The chancellor shall be elected by the qualified electors of the whole State, for the term of six years, and shall be at least thirty years old at the time of his election.

Style of process. SEC. 17. The style of all process shall be "The State of Mississippi," and all prosecutions shall be carried on in the name and by the authority of "The State of Mississippi," and shall conclude, "against the peace and dignity of the same."

SEC. 18. A court of probates shall be established in each county of the State, with jurisdiction in all matters testamentary, and of administration in orphans' business, and the allotment of dower, in cases of idiocy and lunacy, and of persons *non compos mentis*. The judge of said court shall be elected by the qualified electors of the respective counties, for the term of two years.

Probate Court.

Jurisdiction.

SEC. 19. The clerk of the High Court of errors and appeals shall be appointed by the said court, for the term of four years; and the clerks of the probate and other inferior courts, shall be elected by the qualified electors of the respective counties, and shall hold their offices for the term of two years.

Clerks.

SEC. 20. The qualified electors of each county shall elect five persons, for the term of two years, who shall constitute a board of police for each county, a majority of whom may transact business; which body shall have full jurisdiction over roads, highways, ferries and bridges, and all other matters of county police; and shall order all county elections, to fill the vacancies that may occur in the offices of their respective counties. The clerk of the court of probate shall be the clerk of the board of police.

Board of Police.

SEC. 21. No person shall be eligible as a member of said board, who shall not have resided one year in the county, but this qualification shall not extend to such new counties as may hereafter be established, until one year after their organization; and all vacancies that may occur, in said board shall be supplied by election as aforesaid to fill the unexpired term.

Qualification.

Vacancies

SEC. 22. The judges of all the courts of this State, and also the members of the board of the county police, shall in virtue of their offices, be conservators of the peace, and shall be, by law, vested with ample powers in this respect.

Conservators of the peace.

SEC. 23. A competent number of justices of the peace and constables shall be chosen in each county by the qualified electors thereof, by districts, who shall hold their offices for the term of two years; the jurisdiction of justices of the peace shall be limited to causes in which the principal of the amount in controversy shall not exceed fifty dollars; in all

Constables.

Justices of the Peace.

causes tried by justices of the peace, the right of appeal shall be secured, under such rules and regulations as shall be prescribed by law.

Inferior.

SEC. 24. The legislature may, from time to time, establish such other inferior courts as may be deemed necessary, and abolish the same whenever they deem it expedient.

Attorney-General.

SEC. 25. There shall be an Attorney-General elected by the qualified electors of the State, and a competent number of district attorneys shall be elected by the qualified voters of their respective districts, whose compensation and term of service shall be prescribed by law.

Contested elections.

SEC. 26. The legislature shall provide by law, for determining contested elections of judges of the high court of errors and appeals, of the circuit and probate courts and other officers.

Judges, how removed.

SEC. 27. The judges of the several courts of this State, for wilful neglect of duty or other reasonable cause, shall be removed by the governor, on the address of two-thirds of both houses of the legislature; the address to be by joint vote of both houses. The cause or causes for which such removal shall be required, shall be stated at length in such address, and on the journal of each house. The judge so intended to be removed, shall be notified and admitted to a hearing in his own defence, before the vote of such address shall pass; the vote on such address shall be taken by the yeas and nays, and entered on the journals of each house.

Officers, indicted.

SEC. 28. Judges of probate, clerks, sheriffs and other county officers, for the wilful neglect of duty, or misdemeanor in office; shall be liable to presentment or indictment by a grand jury, and trial by a petit jury; and, upon conviction, shall be removed from office.

ARTICLE V.

EXECUTIVE DEPARTMENT.

SEC. 1. The chief executive power of this State shall be vested in a Governor, who shall hold his office for two years from the time of his installation.

SEC. 2. The Governor shall be elected by the qualified electors of the State. The returns of every election for governor shall be sealed up and transmitted to the seat of government, directed to the Secretary of State, who shall deliver them to the speaker of the House of Representatives at the next ensuing session of the legislature, during the first week of which session the said speaker shall open and publish them in the presence of both houses of the legislature. The person having the highest number of votes shall be Governor; but if two or more shall be equal, and highest in votes, then one of them shall be chosen Governor by the joint ballot of both houses of the legislature. Contested election for Governor shall be determined by both houses of the legislature in such manner as prescribed by law.

How elected.

Contested election for Governor.

SEC. 3. The Governor shall be at least thirty years of age, shall have been a citizen of some one of the States composing the Confederate States of America, for twenty years, and shall have resided in this State at least five years next preceding the day of his election, and shall not be capable of holding the office more than four years in any term of six years.

Qualifications.

SEC. 4. He shall at all times receive for his services a compensation, which shall not be increased or diminished during the term for which he shall be elected.

Compensation.

SEC. 5. He shall be commander-in-chief of the army and navy of this State, and of the militia, except when they shall be called into the service of the Confederate States of America.

Commander-in-Chief.

SEC. 6. He may require information, in writing, from the officers in the executive department, on any subject relating to the duties of their respective offices.

SEC. 7. He may, in cases of emergency, convene the Legislature at the seat of government, or at a different place, if that shall have become, since their last adjournment, dangerous from an enemy or from disease; and in case of disagreement between the two houses with respect to the time of adjournment, adjourn them to such time as he shall think proper, not beyond the day of the next stated meeting of the Legislature.

Governor to convene and adjourn the legislature.

SEC. 8. He shall, from time to time, give to the legislature information of the State of the government, and recommend to their consideration such measures as he may deem necessary and expedient.

SEC. 9. He shall take care that the laws be faithfully executed.

SEC. 10. In all criminal and penal cases, except in those of treason and impeachment, he shall have power to grant reprieves and pardons, and remit fines, and in case of forfeiture, to stay the collection until the end of the next session of the Legislature, and to remit forfeitures by and with the advice and consent of the Senate. In cases of treason, he shall have power to grant reprieves by and with the advice and consent of the Senate, but may respite the sentence until the end of the next session of the Legislature.

SEC. 11. All commissions shall be in the name and by the authority of the State of Mississippi, be sealed with the great seal, and signed by the Governor, and be attested by the Secretary of State.

SEC. 12. There shall be a seal of this State, which shall be kept by the Governor, and used by him officially, and shall be called the Great seal of the State of Mississippi.

SEC. 13. All vacancies not provided for in this Constitution, shall be filled in such manner as the Legislature may prescribe.

SEC. 14. The Secretary of State shall be elected by the qualified electors of the State, and shall continue in office during the term of two years. He shall keep a fair register of all the official acts and proceedings of the Governor, and shall, when required, lay the same, and all papers, minutes and vouchers relative thereto, before the Legislature, and shall perform other duties as may be required of him by law.

SEC. 15. Every bill which shall have passed both houses of the Legislature, shall be presented to the Governor; if he approves, he shall sign it, but if not, he shall return it, with his objections, to the house in which it shall have originated, which shall enter the objections at large upon their journals, and proceed to reconsider it; if, after such reconsideration, two-thirds of the house shall agree to pass the bill, it shall be sent, with the objections to

the other house, by which it shall likewise be reconsidered : if approved by two-thirds of that house, it shall become a law ; but in such case, the vote of both houses shall be determined by yeas and nays, and the names of the members voting for and against the bill shall be entered on the journal of each house respectively : if any bill shall not be returned by the Governor within six days (Sundays excepted) after it shall have been presented to him, the same shall become a law in like manner as if he had signed it, unless the Legislature, by their adjournment, prevent its return ; in which case it shall not become a law.

SEC. 16. Every order, resolution or vote to which the concurrence of both houses may be necessary, except resolutions for the purpose of obtaining the joint action of both houses, and on questions of adjournment, shall be presented to the Governor, and, before it shall take effect, be approved by him, or, being disapproved, shall be re-passed by both houses, according to the rules and limitations prescribed in the case of a bill.

SEC. 17. Whenever the office of Governor shall become vacant, by death, resignation, removal from office, or otherwise, the president of the Senate shall exercise the office of Governor until another Governor shall be duly qualified ; and in case of the death, resignation, removal from office, or other disqualification of the president of the Senate, so exercising the office of Governor, the speaker of the House of Representatives shall exercise the office until the president of the Senate shall have been chosen ; and when the office of Governor, president of the Senate, and speaker of the House, shall become vacant in the recess of the Senate, the person acting as Secretary of State for the time being, shall, by proclamation, convene the Senate, that a president may be chosen to exercise the office of Governor.

Office of
Governor
vacant, &c

Further
provision.

SEC. 18. When either the president or speaker of the House of Representatives shall so exercise said office, he shall receive the compensation of the Governor only ; and his duties as president or speaker shall be suspended, and the Senate or House of Representatives, as the case may be, shall fill the vacancy until his duties as Governor shall cease.

SEC. 19. A sheriff and one or more coroners, a treasurer, surveyor and ranger, shall be elected in each county, by the qualified electors thereof, who shall hold their offices for two years, unless sooner removed; except that the coroner shall hold his office until his successor be duly qualified.

Treasurer
and Audi-
tor.

SEC. 29. A State Treasurer and Auditor of Public Accounts shall be elected by the qualified electors of the State, who shall hold their offices for the term of two years, unless sooner removed.

MILITIA.

Militia.

SECTION 1. The Legislature shall provide by law, for organizing and disciplining the militia of this State, in such manner as they may deem expedient, not incompatible with the Constitution and the laws of the Confederate States of America in relation thereto.

Militia of-
ficers.

SEC. 2. Commissioned officers of the militia (staff officers and the officers of volunteer companies excepted,) shall be elected by the persons liable to perform military duty, and the qualified electors within their respective commands, and shall be commissioned by the Governor.

Powers of
Governor
to call out
militia.

SEC. 3. The Governor shall have power to call forth the militia to execute the laws of the State, to suppress insurrection, and to repel invasion.

ARTICLE VI.

IMPEACHMENTS.

SECTION 1. The House of Representatives shall have the sole power of impeaching.

Impeach-
ment.

SEC. 2. All impeachments shall be tried by the Senate: when sitting for that purpose, the senators shall be on oath or affirmation: no person shall be convicted without the concurrence of two-thirds of the members present.

Extent of,
etc.

SEC. 3. The Governor and all civil officers shall be liable to impeachment for any misdemeanor in office; but judgment in such cases shall not extend further than to removal from office, and disqualification to hold any office of honor, trust or profit

under the State; but the party convicted shall nevertheless, be subject to indictment, trial and punishment, according to law, as in other cases.

ARTICLE VII.

GENERAL PROVISIONS.

SECTION 1. Members of the Legislature, attorneys and counsellors at law, and all officers, executive and and judicial, before they enter upon the duties of their respective offices, shall take the following oath or affirmation, to wit: "I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the Confederate States of America, and the Constitution of the State of Mississippi, so long as I continue a citizen thereof, and that I will faithfully discharge, to the best of my abilities the duties of the office of ———, according to law—So help me God."

Oath of office.

SEC. 2. The Legislature shall pass such laws to prevent the evil practice of duelling, as they may deem necessary; and may require all officers before they enter upon the duties of their respective offices, to take the following oath or affirmation; "I do solemnly swear, (or affirm, as the case may be,) that I have not been engaged in a duel, by sending or accepting a challenge to fight a duel, or by fighting a duel, since the first day of January, in the year of our Lord one thousand eight hundred and thirty-three, nor will I be so engaged during my continuance in office—So help me God."

Dueling.

SEC. 3. Treason against the State shall consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or his own confession in open court.

Treason.

SEC. 4. Every person shall be disqualified from holding an office or place of honor or profit under the authority of this State, who shall be convicted of having given or offered any bribe to secure his election. Laws shall be made to exclude from office or suffrage those who shall hereafter be convicted of bribery, perjury, forgery, or other high

Bribery at elections.

Convicts excluded from office

Suffrage. crimes or misdemeanors. The privilege of the free suffrage shall be supported by laws regulating elections, and prohibiting, under adequate penalties, all undue influences therein, from power, bribery, tumult, or other improper conduct.

Atheist. SEC. 5. No person who denies the being of a God, or a future state of rewards and punishments, shall hold any office in the civil department of this State.

When laws go into effect. SEC. 6. No laws of a general nature, unless otherwise provided for, shall be enforced until sixty days after the passage thereof.

Money drawn from treasury. SEC. 7. No money shall be drawn from the treasury, but in consequence of an appropriation made by law; nor shall any appropriation of money for the support of an army be made for a longer term than one year.

SEC. 8. No money from the treasury shall be appropriated to objects of internal improvement, unless the bill for that purpose be passed by two-thirds of both branches of the Legislature; and a regular statement and account of the receipts and expenditures of public moneys shall be published annually.

State loan SEC. 9. No law shall ever be passed to raise a loan of money upon the credit of the State, or to pledge the faith of the State for the redemption of any loan or debt, unless such law be proposed in the Senate or House of Representatives, and be agreed to by a majority of the members of each house, and entered on the journals, with the yeas and nays taken thereon, and be referred to the next succeeding Legislature, and published for three months previous to the next regular election, in three newspapers of this State; and unless a majority of each branch of the Legislature so elected, after such publication, shall agree to and pass such a law; and in such case, the yeas and nays shall be taken and entered on the journals of each house; *Provided*, that nothing in this section shall be so construed as to prevent the Legislature from negotiating a further loan of one and a half millions of dollars, and vesting the same in stock reserved to the State by the charter of the Planters' Bank of the State of Mississippi.

And provided further, That the Legislature may raise a loan of money and pledge the faith of the State for the payment thereof, when required to suppress insurrections, repel invasions, or provide for the defense of the State.

SEC. 10. The Legislature shall direct, by law, in what manner, and in what courts, suits may be brought against the State. Suits
against
the State.

SEC. 11. Absence on business of this State or of the Confederate States of America, or on a visit, or necessary private business, shall not cause a forfeiture of citizenship or residence once obtained. Citiz'ship.

SEC. 12. It shall be the duty of the Legislature to regulate, by law, the cases in which deductions shall be made from salaries of public officers for neglect of duty in their official capacity, and the amount of such deduction. Deduction from
salaries.

SEC. 13. No member of Congress nor any person holding any office of profit or trust under the Confederate States, (the office of postmaster excepted,) or any other State of the Confederacy, or under any foreign power, shall hold or exercise any office of trust or profit under this State. Who dis-
qualified
from office

SEC. 14. Religion, morality and knowledge being necessary to good government, the preservation of liberty and the happiness of mankind, schools and the means of education shall forever be encouraged in this State. Schools
and edu-
cation.

SEC. 15. Divorces from the bonds of matrimony shall not be granted but in cases provided for by law, by suit in chancery. Divorces.

SEC. 16. Returns of all elections by the people shall be made to the Secretary of State, in such manner as may be prescribed by law. Election
returns.

SEC. 17. No new county shall be established by the legislature, which shall reduce the county or counties, or either of them, from which it may be taken, to less contents than five hundred and sixty-six square miles; nor shall any new county be laid off of less contents. Counties,
new.

SEC. 18. The legislature shall have power to admit to all the rights and privileges of free white citizens of this State all such persons of the Choctaw and Chickasaw tribes of Indians as shall choose to remain in this State, upon such terms as Indians.

the Legislature may from time to time deem proper.

SLAVES.

Emanci-
pation of
how made

SECTION 1. The Legislature shall have no power to pass laws for the emancipation of slaves without the consent of their owners, unless where the slave shall have rendered to the State some distinguished service, in which case the owner shall be paid a full equivalent for the slave so emancipated. They shall have no power to prevent emigrants to this State from bringing with them such persons as are deemed slaves by the laws of any one of the United States, so long as any person of the same age or description shall be continued in slavery by the laws of this State; *Provided*, that such person or slave be the *bona fide* property of such emigrants; *and provided, also*, that laws may be passed to prohibit the introduction into this State of slaves who may have committed high crimes in other States. They shall have power to pass laws to permit the owners of slaves to emancipate them, saving the rights of creditors, and preventing them from becoming a public charge. They shall have full power to oblige the owners of slaves to treat them with humanity, to provide for them necessary clothing and provisions, to abstain from all injuries to them extending to life or limb, and in case of their neglect or refusal to comply with the directions of such laws, to have such slave or slaves sold for the benefit of the owner or owners.

Slaves con-
victed of
crimes.

Treatme't
of slaves.

SEC. 2. The introduction of slaves into this State as merchandize, or for sale, shall be prohibited from and after the first day of May, eighteen hundred and fifty-three; *Provided*, that the actual settler or settlers shall not be prohibited from purchasing slaves in any other State in this Union and bringing them into this State for their own individual use, until the year eighteen hundred and forty-five.

Slaves as
mercha n-
dise.

Prosec u -
tion of
slaves.

SEC. 3. In the prosecution of slaves for crimes of which the punishment is not capital, no inquest by a grand jury shall be necessary; but the proceedings in such cases shall be regulated by law.

MODE OF REVISING THE CONSTITUTION.

Whenever two-thirds of each branch of the legislature shall deem any change, alteration or amendment necessary to this constitution, such proposed change, alteration or amendment shall be read and passed by a majority of two-thirds of each house respectively on each day for three several days; public notice thereof shall then be given by the Secretary of State, at least six months preceding the next general election, at which the qualified electors shall vote directly for or against such change, alteration or amendment; and if it shall appear that a majority of the qualified electors voting for members of the legislature shall have voted for the proposed change, alteration or amendment, then it shall be inserted, by the next succeeding legislature, as a part of this constitution, and not otherwise.

Constitution, how revised.

SCHEDULE.

SECTION 1. All rights vested, and all liabilities incurred, shall remain the same as if this constitution had not been adopted.

Rights vested.

SEC. 2. All suits at law or in equity, now pending in the several courts of this State, may be transferred to such courts as may have proper jurisdiction thereof.

SEC. 3. The Governor, and all officers, civil and military, now holding commissions under the authority of this State, shall continue to hold and exercise their respective offices until they shall be superseded pursuant to the provisions of this constitution, and until their successors be duly qualified.

Officers, &c.

SEC. 4. All laws now in force in the State, not repugnant to this Constitution, shall continue to operate until they shall expire by their own limitation, or be altered or repealed by the Legislature.

SEC. 5. Immediately upon the adoption of this constitution, the president of this convention shall issue writs of election, directed to the sheriffs of the several counties, requiring them to cause an election to be held on the first Monday and day

following in December next, for members of the Legislature, at the respective places of holding elections in said counties ; which elections shall be conducted in the manner prescribed by the existing election laws of the State ; and the members of the Legislature, thus elected, shall continue in office until the next general election, and shall convene at the seat of government on the first Monday in January, eighteen hundred and thirty-three ; and shall, at their first session, order an election to be held in every county of this State, on the first Monday of May and day following, eighteen hundred and thirty-three, for the State and county officers under this constitution, (members of the Legislature excepted,) and the other officers then elected shall continue in office until the succeeding general election, and after, in the same manner as if the election had taken place at the time last aforesaid.

How long
officers
first elect-
ed to con-
tinue in
office.

SEC. 6. Until the first enumeration shall be made, as directed by the Constitution, the apportionment of senators and representatives among the several districts and counties in this State, shall remain as at present fixed by law.

P. RUTLUS R. PRAY,

President of the Convention, and

Representative from the County of Hancock.

ATTEST :

JOHN H. MALLORY, *Secretary.*

AMENDMENTS TO THE CONSTITUTION.

SLAVES.

The Legislature shall have, and are hereby vested with power to pass such laws regulating or prohibiting the introduction of African slaves into this State, as may be deemed proper and expedient.

Adopted February 2d, 1846.

BOARD OF POLICE.

The qualified electors of each county shall elect five persons, by districts, for the term of two years, who shall constitute a Board of Police of each county, a majority of whom may transact business; which body shall have full jurisdiction over roads, highways, ferries and bridges, and all other matters of county policy; and shall order all county elections to fill vacancies that may occur in the offices of their respective counties.

The clerk of the Court of Probate shall be clerk of the Boards of County Police.

Adopted, March 12th, 1852.

CHANCERY COURT.

Chancery Courts, with full jurisdiction in matters of equity, shall be held in each judicial district by the circuit judge thereof, at such time and place as may be directed by law. The Superior Court of Chancery, and the several Vice-Chancery Courts, shall continue as now organized, until the first Monday of November, one thousand eight hundred and fifty-seven, for the disposition of cases now depending therein. The Legislature shall provide by law for the preservation of the records of the said Superior Court of Chancery and of said Vice-Chancery Courts, and also for the transfer of all causes, that may remain undetermined therein, to other courts, for final decision.

Adopted, February 6th, 1856.

TENURE OF PUBLIC OFFICERS.

All public officers in this State, Legislative, Executive and Judicial, whose terms of office expire at the general election to be held in the year one thousand eight hundred and fifty-seven, or at any subsequent general election, shall continue to hold their offices until the first Monday of January next following the expiration of said terms, and until their successors shall be qualified: *Provided*, such of said officers as are required to give bond for the discharge of their duties, shall give bond and secu-

rity for the said extended term, as may be provided by the Legislature; and the terms of office of all officers chosen at the general election in the year eighteen hundred and fifty-seven, or at any subsequent general election, shall commence on the first Monday of January next succeeding the election, and shall continue for the time now fixed by the constitution, and until their successors shall be qualified.

Adopted, February 6th, 1856.

ELECTIONS.

All general elections by the people of this State shall be held on the first Monday in October, and be concluded in one day; on the first Monday in October, 1857, and biennially thereafter, an election shall be held for representatives in Congress, and all State officers and members of the Legislature, except for officers and senators entitled to hold over after November, 1857, who shall continue in office until their successors are entitled to succeed them therein. The Legislature shall convene on the first Monday of November, 1857, and biennially thereafter, but may be especially convoked by the Governor at other times. The Governor's official term shall commence on the third Monday of November, and that of the Secretary of State, Auditor of Public Accounts, State Treasurer, and Attorney General, on the first Monday of January next after his and their election; but the Attorney General shall hold his office, as heretofore, for the term of four years. On the first Monday of October, 1858, and biennially thereafter, an election shall be held for all county, district, judicial and ministerial officers, (except officers who may then be entitled to hold over after January, 1859, or until the time of holding another election;) and the official term of all such officers then and thereafter elected, shall commence on the first Monday of January next after this election; but all such officers elected in 1855, or previously, whose official terms, in the absence of this provision, would expire in November, 1857, shall continue in office until the first Monday of January, 1859.

Adopted, February 2d, 1856.

AMENDMENTS BY THE STATE CONVENTION.

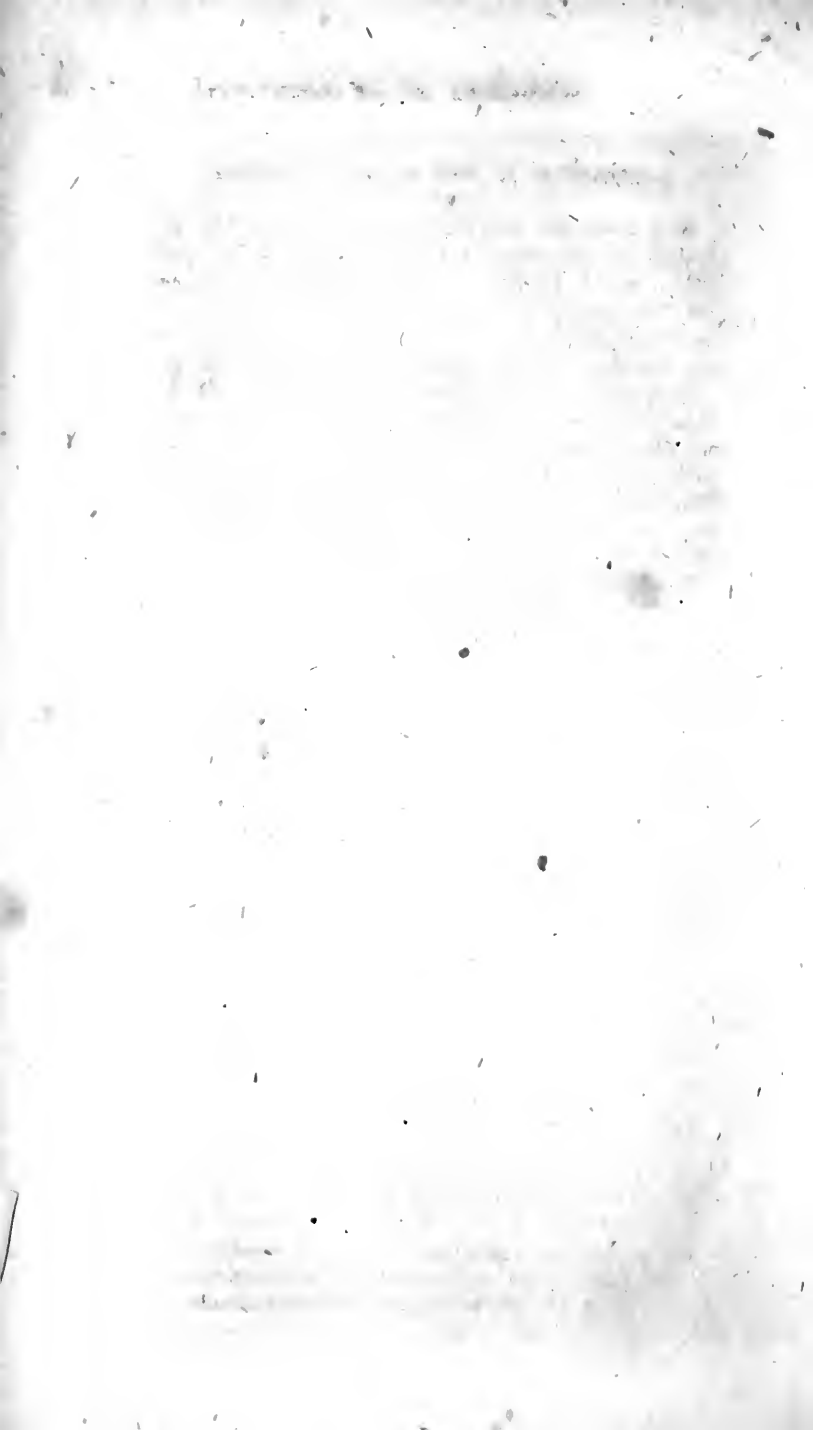
Be it ordained and declared, and it is hereby ordained and declared, That the Legislature shall have power to fix the time of holding all elections, and may adjust the terms of office to conform to any changes hereafter to be made, and may fix the time for the commencement of its biennial sessions.

Be it ordained and declared, and it is hereby ordained and declared, That if any part of the present Constitution of the State of Mississippi shall be in conflict with any ordinance passed by this Convention, such part of the said Constitution shall be held to be abrogated and annulled to the extent of such conflict, but no further.

Adopted, January 26th, 1861.

WILLIAM S. BARRY,

President of the Convention.



L A W S

OF THE

STATE OF MISSISSIPPI.

CHAPTER I.

AN ACT making the Treasury Notes issued under an Ordinance of the State Convention, receivable in payment of dues to the State at all times, before and after the period fixed for their redemption, and for other purposes.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the Governor shall be authorised to cause certificates of loan on treasury notes to be prepared, signed and issued to the amount, in the manner, and under the limitations and restrictions contained in an ordinance of the Convention of the people of the State; entitled "An ordinance to raise means for the defence of the State," adopted January 24th, 1861," the said certificates or treasury notes, when issued, shall be applied to the defense and military service of the State, and may be used under the direction of the Governor, in purchasing arms and military supplies, and in paying off such troops as may have been or may hereafter be, in the service of the State, *Provided*, the said certificates or treasury notes shall not be sold, or otherwise put in circulation for a less amount than their par value; and *Provided further*, that nothing in this act shall be so construed as to impair the validity and obligation of said certificates or treasury notes.

Powers
conferred
on Gov-
ernor.

SEC. 2. *Be it further enacted*, That said certificates or treasury notes shall be received in payment of taxes and other moneys due the State, in any fiscal year, whether they be due and redeemable or not, and the certificates or notes which are made due and payable in the year 1863 and 1864, shall be placed in this respect, on an equal footing with those that are due, and payable in the year 1862, whether they were issued before or after the passage of this act, and the public officers of this State shall receive them in the manner now required by law, *Provided*, that nothing herein contained shall apply to the military tax imposed by the ordinance of the State Convention, adopted January 26th, 1861.

SEC. 3. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

Approved, November 29, 1861.

CHAPTER II.

AN ACT to change the time of holding the Probate Court of Hancock County.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That hereafter the regular term of holding the Probate Court of Hancock county, shall be the first Monday in December, March, June and September, in each and every year.

SEC. 3. *Be it further enacted*, That this act take effect from and after the 1st day of February, 1862.

Approved, November 23, 1861.

CHAPTER III.

AN ACT to legalize the Assessment Returne of Yazoo and Sunflower Counties.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the return of the assessment of the lands in Yazoo and Sunflower counties for the year 1861, be held and taken as

legal and valid as if returned within the time prescribed by law.

SEC. 2. *Be it further enacted*, That this act take effect from and after its passage.

Approved, November 23, 1861.

CHAPTER IV.

AN ACT further to relieve the evils occasioned by the burning of the Court House of Attala County.

— WHEREAS, the Court House and the records, with the papers thereto appertaining, were destroyed by fire, on the 28th day of July, A. D. 1858, and whereas, copies of the records and final record of the Chancery Court of said county, and the record and judgment roll of the Circuit Court of said county, and also the records of the Probate Court, and of the Board of Police of said county, have been and are now being made out, copied, substituted and established, according to the statutes in that case made and provided, and according to the orders, judgments and decrees of said courts, therefore,

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That said record and final record of the Chancery Court of said County, and the record and judgment roll of the Circuit Court, the records of the Probate Court, and the records of the Board of Police of said county, made out, copied, substituted and established in manner as aforesaid, be and the same are hereby declared to be as valid, binding and effectual in all things and in all proceedings, as said original records might or could have been in case the same had not been destroyed by fire as aforesaid.

SEC. 2. *Be it further enacted*, That all copies and transcripts of said records, made out, copied, substituted and established as aforesaid, being duly certified by the proper clerk, under his hand and seal of office, to be correct, shall be received as evidence, and be held as valid and binding in all suits, actions and other proceeding and matters, as though

said original records had not been destroyed in manner aforesaid; and for such copies and transcripts, the clerk issuing the same shall be entitled to such compensation as is provided for in other like cases.

SEC. 3. *Be it further enacted*, That all acts and parts of acts, coming in conflict with this act, be and the same are hereby repealed, and that this act be in force from and after its passage.

Approved, November 23, 1861.

CHAPTER V.

AN ACT to authorize the Governor of the State of Mississippi to accept volunteers for immediate service in support of the Confederate troops at Columbus, Kentucky, or elsewhere they may be needed.

WHEREAS, it appears from information communicated to this Legislature that the enemy is gathering in force near the Confederate troops at Columbus, Kentucky, whereby the safety of the latter is likely to become questionable, to guard against which, therefore,

SECTION. 1. *Be it enacted by the Legislature of the State of Mississippi*, That the Governor be authorized and requested to issue his proclamation instantler, calling upon the patriotic men of Mississippi, who may be able to come with arms in their hands, as infantry or cavalry, to assemble without delay, at such places of rendezvous as he may designate by companies, or individuals, to the aggregate number of ten thousand men, in order that they may be organized at once as a portion of the volunteer militia of the State of Mississippi, to be sent as soon as organized, under such commanders as the Governor may designate, to the relief of the threatened post, there to remain for such time as emergencies may require; *Provided* that said troops shall not be required to remain in service longer than sixty days.

SEC. 2. *Be it further enacted*, That the troops mustered into the service, under this authority,

shall be entitled to the same pay (officers and men) as provided for by a law of Congress, for the compensation of Confederate troops for like services. The muster rolls to be made out, and returned to the office of the Adjutant General of the army of Mississippi, at Jackson, in the same manner as is provided by the law governing the muster rolls of the army of Mississippi, under the Convention ordinance.

• SEC. 3. *Be it further enacted*, That the sum of five hundred thousand dollars, payable out of any money in the State treasury, not otherwise appropriated, be and the same is hereby set apart for the payment of the troops (officers and men) responding to the call, embracing the outfit and maintenance of the same; and the Auditor of Public accounts is hereby authorized and required to issue his warrants in such sums and at such times as the Governor may require in payment of the same.

SEC. 4. *Be it further enacted*, That the Governor be and he is hereby clothed with full powers to do and perform all things necessary to carry out the the objects and provisions of this act.

SEC. 5. *Be it further enacted*, That this act take effect from and after its passage.

Approved, November 21, 1861.

CHAPTER VI.

AN ACT To reduce the fees of the Commissioners of the submerged lands of Perry county.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the Commissioners appointed by the Board of County Police of Perry county for the sale of the submerged lands, and their successors in office, shall hereafter receive for their services three per cent. upon all monies collected by them, by virtue of their office, and no more.

SEC. 2 *Be it further enacted*, That all acts conflicting with this act be and the same is hereby repealed.

SEC. 3. *Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved, November 23, 1861.

CHAPTER VII.

AN ACT to amend an act entitled an act to establish in the County of Warren an Inferior Court of Criminal Jurisdiction, approved February 1st, 1861.

District Attorney, how supplied. SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That if, at any term of the said Criminal Court, the District Attorney of said Court shall be absent, or unable to perform his duties, from sickness or otherwise, the Court shall have power to appoint some Attorney, to act for the State, in the place of the District Attorney, during the absence, or inability of the said District Attorney, and the person so appointed shall have full power to discharge all the duties of said office, during the absence or inability of the District Attorney; and shall receive a reasonable compensation for his services, to be allowed by the Court, and certified to the Auditor, who shall issue his warrant therefor; such allowance shall be deducted from the salary of the said District Attorney, and shall not exceed the rate of compensation received by the District Attorney for the time engaged during the year.

Vacancy, how filled. SEC. 2. *Be it further enacted*, That when a vacancy shall occur by the death, resignation or otherwise of the Judge of said Criminal Court, or of the District Attorney of said Court, the unexpired term whereof shall not exceed one year, the same shall be filled for the unexpired term by appointment, by the Governor, and when the unexpired term shall exceed one year, the Governor shall issue a writ requiring an election to be held, at some time therein specified to fill the unexpired term, said time to be not less than thirty days; and the Governor shall make a temporary appointment to fill such vacancy until the person chosen at the election so ordered, shall be duly qualified;

and in the event the Governor shall not make such temporary appointment, to fill such vacancy occurring in the office of District Attorney, then the said Court shall fill the same as provided for in section first, of this act.

SEC. 3. *Be it further enacted*, That when, an election to fill such vacancy has been heretofore ordered by the Governor, and the election has been held, such order and such election are hereby legalized and declared to be valid.

SEC. 4. *Be it further enacted*, That this act shall take effect from and after its passage.

Approved, November 15, 1861.

CHAPTER VIII.

AN ACT for the relief of Nelson T. Warren of Washington County.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That Nelson T. Warren, a minor, be and he is hereby released, from the civil disabilities of minority, so far as to authorize and enable him to make and execute a last will and testament, and to devise and bequeath his estate, real and personal, in the same manner as if he was of full age.

SEC. 2. *Be it further enacted*, That this act take effect from and after its passage.

Approved, November 13, 1861.

CHAPTER IX.

AN ACT to authorize the transcribing of the Records of Hinds County.

WHEREAS, The Police Court of Hinds county, at a special term, holden in March, 1861, authorized the Clerk of the Circuit Court of said county to cause to be transcribed sundry books of the records of his Court which were much injured and in process of decay; and whereas, under said

authority, the said Clerk has caused to be made, in well bound books, transcripts of many of the records thus injured: therefore,

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That all transcripts of the said record of the Circuit Court of Hinds county, which have been made, or shall be made under authority of the order of the Police Court aforesaid, shall be holden to have all the verity of the records from which they are transcribed and as such shall be received as evidence in all Courts as the original might be: *Provided*, That the Clerk of said Circuit Court, or some duly qualified deputy, shall first examine said transcripts, and certify them to be correctly made.

SEC. 2. *Be it further enacted*, That this act shall be in force from and after its passage.

Approved, November 13, 1861.

CHAPTER X.

An ACT to amend section two of Chapter sixty-four of the acts of November, 1859, in relation to the charter of the City of Vicksburg.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That from and after the next charter election, the salary of the Mayor shall be one thousand five hundred dollars instead of two thousand five hundred dollars as now provided by law.

SEC. 2. *Be it further enacted*, That so much of section two, chapter sixty-four of the acts of November eighteen hundred and fifty-nine, as comes in conflict with this act be, and the same is hereby repealed.

SEC. 3. *Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved, November 13, 1861.

CHAPTER XI.

AN ACT to create a fund for the support of destitute families of Volunteers in this State, and for other purposes.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That a special tax of thirty per cent. upon the regular State taxes of the present fiscal year, and each succeeding year until otherwise ordered, be levied and collected, as other taxes now are, for the support of destitute families, dependent wholly or in part upon the volunteers who are or may hereafter be, mustered into the service of this State, or of the Confederate State, to be called the military Relief Fund. Amount of tax.

SEC. 2. *Be it further enacted*. That it shall be the duty of the Boards of Police in the several counties in this State, to ascertain as soon as possible the names of all volunteers from said counties who have been mustered into the service of the State, or of the Confederate States, for at least six months, with the names of the companies to which they belong; also the names of all volunteers from said counties, who have enlisted as recruits, or attached themselves to companies formed outside of the limits of the State, or of their respective counties; and that it shall be the duty of the Clerks of said Boards of Police to record a roll of all such names and companies, and to furnish the Auditor of Public Accounts with a certified copy of the same, on or before the first day of March next. Duty of Boards of Police.

SEC. 3. *Be it further enacted*, That the proceeds of said tax be and the same is hereby annually appropriated for the support of said destitute families: and that it shall be the duty of the Auditor of Public Accounts, in thirty days after settlement with the tax collectors, in each year, to make a *pro rata* distribution of said sum among the several counties in this State, according to the number of volunteers furnished by each county, and certified to him according to the provisions of the second section of this act, and report the same to the Boards of Police of said counties, showing Tax, how appropriated.

the amount of said fund to which each county may be entitled.

SEC. 4. *Be it further enacted*, That for the purpose of purchasing provisions, and such other indispensable articles as said destitute families may require, the Boards of Police are hereby authorized to issue warrants upon the county Treasuries of their respective counties, payable out of said fund, to an amount not exceeding the sum to which such county may be entitled under the provision of the third section of this act.

Duty of
Sheriffs.

SEC. 5. *Be it further enacted*, That the Sheriffs of the several counties in this State shall collect the said military relief tax in the same manner, and under the same regulations and laws as now provided for the collection of other taxes, and before entering upon the same shall give additional bond, with two or more securities, equal in amount to one-half of the State taxes of their respective counties; and in the same manner as now required by law, reference to the collection of other taxes, under the penalty of a forfeiture of office for failing to do; and shall receive in payment of said military relief tax, gold and silver, current bank bills, and the warrants of their respective counties issued upon said fund, and Confederate Treasury notes, and Treasury notes of the State.

Sheriffs,
how to set
tle accounts

SEC. 6. *Be it further enacted*, That it shall be the duty of the said several sheriffs to pay over into the county Treasury of their respective counties the sums to which such counties may be entitled under the third section of this act, and the receipt of the county Treasurer therefor, shall be a voucher to such sheriff in his settlement with the Auditor of Public Accounts for so much of said tax, and all excess that may be due or in the hands of said sheriff after paying to any county the amount to which it may be entitled, shall be paid into the State Treasury at the same time, and in the same manner, and under the same penalties as now required by law for the payment of other State taxes; and should the amount paid to any one county by such sheriff be less than the amount to which said county is entitled, the county Treasurer

of such county may, upon the order of the Board of Police thereof, receive out of the State Treasury the balance due said county on account of said military relief fund; *Provided also*, That before any county Treasurer shall receive into his hands any portion of said fund, he shall under penalty of forfeiture of his office enter into bond, with two or more securities in the same manner as now required by law, and for an amount double that to which his county may be entitled.

SEC. 7. *Be it further enacted*, That should the amount of said fund to which any one county may be entitled, be greater than the amount actually necessary for the support of said indigent families intended to be provided for under the provisions of this act, such counties may, at the discretion of their Boards of Police, appropriate the overplus to the purchase of clothing and other indispensable or necessary articles for the volunteers furnished by said county or for the purpose of paying off their county warrants issued for military purposes.

SEC. 8. *Be it further enacted*, That the Boards of Police in the several counties in this State, shall call a meeting as soon as practicable after the passage of this act, for the purpose of appointing one or more suitable and competent persons in each police district as commissioners, whose duty it shall be to ascertain and report to said Board of Police, as soon as possible the names of all volunteers from said county, who have been mustered into the service of the State or of the Confederate States, for at least six months, with the names of the companies, to which they belong; also, the names of all volunteers who have enlisted as recruits, or attached themselves to companies formed without the limits of their counties or State, also to investigate and determine who are the proper beneficiaries of said fund, and to procure such needful supplies for the same as in their judgment may be indispensable, and to report the same from time to time to the Boards of Police of such counties; and all warrants issued by said Boards of Police upon said fund shall be upon the written order of said commissioners, accompanied with a written account of the articles furnished, payable to the person or

Bond of
county
treasurer.

Commis-
sioners,
how ap-
pointed.

Tax, when
revoked.

persons entitled to receive the same, and in such amounts as said commissioners may direct.

of commis-
sions, &c.

SEC. 9. *Be it further enacted*, That where any county, or counties which may have levied the tax under the act of August 2d, 1861, the Boards of Police thereof shall have power to revoke the tax so levied, except such part of said tax as may have been anticipated by warrants issued, money advanced or contracts made upon the faith of said tax.

SEC. 10. *Be it further enacted*. That it shall be the duty of the county Treasurer and Clerks of the Boards of Police in each county, to keep a full and complete record and account of all monies received and disbursed on account of said military relief fund, with the names of all who may receive relief as beneficiaries under the provisions of this act; and that for the collection of said taxes, no sheriff shall be allowed to receive more than one and one-half per cent. as commissions, and for receiving and disbursing the same no county Treasurer shall receive or be entitled to any compensation.

SEC. 11. *Be it further enacted*. That this act shall take effect and be in force from and after its passage.

Approved, December 16, 1861.

CHAPTER XII.

AN ACT to provide for the establishment of Hospitals for the Mississippi Troops and for other purposes.

SECTION 1. *Be it enacted, by the Legislature of the State of Mississippi*, That it shall be lawful for, and it is hereby made the duty of the Governor to appoint suitable agents to establish and conduct proper hospitals at the most suitable points convenient to our troops in service in Virginia and Kentucky, or wherever else they may be in sufficient numbers to require them.

SEC. 2. *Be it further enacted*, That it shall be

the duty of said agents to procure suitable quarters for said hospitals, to secure suitable Physicians and nurses to attend them, and if not promptly and satisfactorily secured elsewhere, to request of the commanders of our troops near said hospitals to detail all needful aid as required by said agents, and to receive all appropriations that may be made them, and advise and direct the disbursements thereof.

SEC. 3. *Be it further enacted*, That all sick or wounded Mississippi troops shall be admitted to said hospitals at the request of, or upon the certificates of their company or other commanders, or at the discretion of the agents herein appointed, and be discharged therefrom upon the certificate of the acting physicians to be appointed for said hospitals by said agents.

SEC. 4. *Be it further enacted*, That said agents so appointed, shall make monthly reports of their action to the Quarter-master General of this State; said reports to be approved by the Governor.

SEC. 5. *Be it further enacted*, That the sum of twenty-five thousand dollars is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated to carry into effect the provisions of this act, and the Auditor is hereby required, upon the requisition of the Governor, to issue his warrant on the Treasury for the same, and that the Governor appropriate said amount in such sums to the different hospitals that may be established as herein provided for as he may deem just and necessary; all charges of said appropriations to be kept in the Quarter-master General's department.

SEC. 6. *Be it further enacted*, That there shall be connected with said hospitals under the direction of said agents, depots for receipt, care and delivery of all such consignments as may be forwarded for the Mississippi troops, near and about said hospitals.

SEC. 7. *Be it further enacted*, That the compensation of said agents and Physicians shall in no case exceed the rate of one thousand dollars per annum, nor shall the compensation of clerks or nurses, (provided they cannot be detailed from our troops as aforesaid,) exceed fifty dollars per month: these salaries, in all cases, to be approved by the Governor.

SEC. 8. *Be it further enacted*, That the sum of five thousand two hundred and ten dollars be appropriated to cover all liabilities or advances incurred or made by or under the authority of the Quarter-master General of the State for the relief of the hospital established at Warrenton, Virginia, under the care of the Rev. C. K. Marshall, and that the Quarter-master General be authorized to charge such expenditures in his accounts in the same manner as if authorized by a previous law.

SEC. 9. *Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved, December 16, 1861.

CHAPTER XIII.

AN ACT to confirm the location of Swamp and Overflowed lands in Green and Jackson Counties, and for other purposes.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the location of Swamp and Overflowed Lands made by Hiram J. Breeland, locating agent for Green County, and H. Krebs, locating agent for Jackson County, duly appointed under an act of the Congress of the United States of America, approved September 28, 1850, be and the same are hereby confirmed.

SEC. 2. *Be it further enacted*, That upon the production of the certificate of the Secretary of State, certifying the amount of said located lands, and that authenticated returns of the same have been filed in his office, it shall be the duty of the Auditor of Public Accounts to issue his warrant in favor of the said Hiram J. Breeland and H. Krebs for the amounts to which they are respectively entitled for making said locations, as prescribed by the law under which the same were made.

SEC. 3. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

Approved, December 3, 1861.

CHAPTER XIV.

AN ACT to be entitled an act authorizing the issuance of Treasury Notes, as advances upon cotton.

SEC. 1. *Be it enacted by the Legislature of the State of Mississippi*, That the Governor and Auditor of the State shall contract for the printing upon engraved plates of Treasury notes of the denominations of one, two and a half, three, five, ten, twenty, fifty and one hundred dollars, to be advanced upon cotton at the rate of five cents per pound, in the mode and manner hereinafter prescribed. Said notes shall be signed by the Treasurer, and countersigned by the auditor, and shall read, on their face, as follows:

Engraved
plates.

Receivable in payment of all dues to the State
and counties, except the Military Tax.

On demand, after proclamation to present, the State of Mississippi will pay to bearer, the sum of
dollar [s] out of proceeds of cotton, pledged for redemption of this note, at the Treasurer's office in Jackson, Mississippi.

Terms of
note.

Issued day of 186

Auditor Public Accounts.

Treasurer.

Receivable in payment of all dues to the State and counties, except the military tax.

The plates so engraved shall be deposited, in a sealed and soldered box, in the office of the Treasurer; and the Governor is authorized to draw his warrant on the Auditor, who shall draw his warrant on the Treasurer, for the payment of the sum due for the engraving and printing of said plates which shall be paid out of any money not otherwise appropriated. Provided, the amount of notes

Plates,
how pro-
served.

authorized to be issued by this act shall not exceed the sum of five millions of dollars.

Notes,
how ad-
vanced.

SEC. 2. *Be it further enacted*, That upon the reception of said Treasury notes, the same shall be deposited with the Treasurer, in the treasury of this State; and, thereupon, the auditor is hereby authorized to advance the said treasury notes to the people of this State, upon the security of cotton, in the following manner, and upon the following terms, to wit: Any person desiring to obtain an advance upon cotton, shall present an application, in the form of a petition to the auditor, stating the county of his or her residence—the number of bales of cotton, marks and numbers on the bales, then in his or her actual possession, or under his or her immediate control, of which such person is owner—the average weight of said bales—the average character of said cotton—the place where it is then deposited—that the same is subject to no lien or encumbrance whatever—and the number of said bales upon which he or she desires an advance; said petition shall be verified by oath before the auditor or any officer in this State authorized to administer an oath.

Conditions
of advance
of notes.

SEC. 3. *Be it further enacted*, That the auditor shall make the advance so applied for, when the party shall execute his or her receipt to the auditor, specifying the number of bales of cotton upon which he or she has obtained an advance, and the aggregate amount of said advance. Said party shall also promise in said receipt, safely to keep and to deliver the said cotton at some specified city or seaport in the Confederate States; to some person to be designated by the said party in said receipt, or to some cotton factor to be selected by such party and notified to the Governor at the time of shipment, and at such time as the Governor may by proclamation require; and that the proceeds therefor shall be subject to his order. Said cotton, until sold, shall remain at the risk of the party receiving said advance. In addition to the said petition and receipt, the said party shall execute a bond, in double the amount of the advance obtained, for the further security of the same, which shall be in substance as follows:

THE STATE OF MISSISSIPPI, }

County. } of Bond.

Know all men by these presents, that we,
 as principal, and _____ and
 _____ as his securities,
 are bound unto the State of Mississippi in the sum
 of _____ dollars. There is a condition
 to the above obligation, which is this: The said
 _____ has obtained from
 the State of Mississippi, as an advance on cotton,
 the sum of _____ dollars, in the Treasury
 notes of said State. Now, if the said

_____ shall fail to pay the said advance in
 gold and silver, or in the said treasury notes, when
 required by the Governor, by proclamation so to
 do;—and shall likewise fail to deliver the number
 of bales of cotton, when so required, in accordance
 with his receipt, herein referred to, executed by
 the said _____, upon ob-
 taining said advance, or, if upon its delivery, in
 accordance with said receipt, the proceeds thereof
 in gold and silver, or in the said treasury notes,
 shall not be appropriated by the persons to whom
 the said cotton is delivered, in discharge of said
 advance; or, if upon a sale of said cotton by said
 person, the nett proceeds thereof, in gold and sil-
 ver, or in said treasury notes, shall not be sufficient
 to discharge said advance, then this obligation is
 to be in force to the full amount of said advance,
 or such portion of it, as may not otherwise have
 been discharged. Should the said advance be fully
 paid, then this obligation is to be void. Witness
 our hands and seals, this _____ day of _____

186 .

[Signed]

[SEAL]

[SEAL]

[SEAL]

The receipt and bond, above referred to, may be
 executed by a party desiring an advance, leaving
 blank those places which can only be filled up
 upon presentation of the petition, and may be trans-
 mitted by a third person, for that purpose. The
 Judge of the Probate Court of the county in which
 any applicant may reside, shall certify upon said

bond, that the same was executed and acknowledged in his presence, and that he approves the same as a security for the full amount that can be advanced on the number of bales specified in the petition—which number shall be stated in his said certificate. He shall then identify the said petition, with the said bond, by some definite mark, and attach them together. Said bond shall be filed in the office of the treasurer, and the production of the same upon any trial shall be *prima facie* evidence of the due execution and validity of said bond; and the Governor is hereby required to place the said bonds in suit upon any breach of the same.

Rates of
cotton to
be received

SEC. 4. *Be it further enacted*, That upon the presentation of said petition, and execution of said receipt and bond, the Auditor is authorized to advance to such party, not exceeding the sum of five cents per pound of baled cotton, upon which the said party desires an advance; and shall draw his warrant on the Treasurer for the same; which warrant shall specify that it is to be paid out of the said Treasury Notes. The Judge of the Probate Court, the Auditor and Treasurer, shall each be entitled to demand of every party applying for an advance, the sum of fifty cents; and for each bale over fifty, upon which any party receives an advance, the Auditor and Treasurer shall receive the further sum of one cent.

Receipts,
how filed

SEC. 5. *Be it further enacted*, That the petition for an advance, shall be filed by the Auditor, in the office of the Governor. That the receipt, given by the party; shall be filed in the office of the Auditor. Any person desiring to pay his or her advance, shall pay the same to the Treasurer, in gold and silver, or in the Treasury Notes, issued under this act. Said Treasurer, upon such payment, shall cancel the bond of the person, so paying his or her advances, and shall draw his order upon the Auditor, in favor of such party, specifying the amount so paid, in gold and silver, and in said Treasury Notes. Said order shall be filed by the Auditor, and shall authorize him to deliver to said party, his or her agent or attorney, the receipt so filed as aforesaid.

SEC. 6. *Be it further enacted*, That whenever the present blockade of the ports of the Confederate States shall be removed—which shall be determined by the proclamation of the Governor declaring the fact—the Governor shall by said proclamation, require all persons to whom advances may have been made, to deliver the number of bales of cotton upon which they have received an advance—in accordance with their respective receipts within ninety days from the date of said proclamation.

Cotton,
when to
be delivered.

SEC. 7. *Be it further enacted*, That the Governor, who is hereby authorized to settle the same, shall receive from the persons to whom the cotton may be delivered for sale, by the parties obtaining advances, nothing but gold and silver, or the Treasury notes, issued under this act, in payment of said advances.

SEC. 8. *Be it further enacted*, That the funds so received by the Governor, in payment of said advances, shall be deposited with the Treasurer, and placed in the Treasury of the State. The Governor shall take the receipt of the Treasurer therefor. All of said Treasury Notes, received by the Governor, in payment of said advances, shall be cancelled by the Treasurer, in the presence of the Governor, and filed in the office of the Treasury.—Any person, whose advance has been paid by a sale of cotton, and deposite of the amount as aforesaid, may apply to the Treasurer, and obtain an order on the Auditor for the delivery to such person, of his or her receipt, as provided for in cases of payment before sale.

Funds deposited.

SEC. 9. *Be it further enacted*, That all money received in payment of said advances without sale of cotton—all money received upon a sale of said cotton,—all money recovered by suit upon the bonds herein required to be executed—and all forfeitures that may be recovered, under this act, and said fund only are hereby pledged for the redemption of the said Treasury notes, nor shall any portion of the same be applied or appropriated to any other purpose whatever until all of the said Treasury Notes are redeemed.

Treasury
notes to
have preference.

SEC. 10. *Be it further enacted*, That the said Treasury Notes shall be receivable in payment of

Notes received, for what.

all taxes now due, or that may hereafter become due, to this State, or to any county or school fund or municipal corporation. Said notes, when so received for taxes, may again be paid out by the Treasurer, upon any warrant of the Auditor, drawn upon the general Treasury, and the same may also be paid out by the disbursing officers of counties and municipal corporations, and by persons having control of any school fund created by taxation, when authorized to do so by the proper authority. Such of said notes as are received in the Treasury, in payment of said advances, shall be cancelled by the Treasurer and preserved in his office; *Provided*, that this section shall not apply to the Treasury Notes issued, or that may hereafter be issued, under the ordinance of the Convention, entitled, "An Ordinance to raise means for the defense of the State," passed January 26th, 1861, or by virtue of an act, approved the 29th day of November, 1861, entitled, "An Act, making the Treasury Notes issued under an ordinance of the State Convention receivable in payment of dues to the State, at all times, before and after the period fixed for their redemption, and for other purposes."

Proclamation to be issued.

SEC. 11. *Be it further enacted*, That the Governor shall, by proclamation, from time to time, in his discretion, make known that the Treasurer is able to redeem all, or a specified portion of said Treasury Notes, and upon presentation, said notes shall be redeemed in the gold and silver so received and deposited in payment of said advances, and when so redeemed, said Treasury notes shall be cancelled.

Property liable.

SEC. 12. *Be it further enacted*, That no property whatever shall be exempt from seizure and sale, under execution issued upon any judgment recovered in any suit upon any bond herein required, or other cause of action, originating under the provisions of this act.

Penalty for false swearing.

SEC. 13. *Be it further enacted*, That any person who shall, wilfully, swear falsely in relation to any fact required to be alleged in his or her petition, presented upon application to obtain an advance upon cotton, under this act, shall be liable to indictment for perjury, and, on conviction, thereof, shall be imprisoned in the Penitentiary not less than five nor more than ten years.

SEC. 14. *Be it further enacted*, That any person who shall fail to pay the amount of his or her advance, in gold and silver, or in Treasury notes issued under this act, previous to a sale of his or her cotton; and shall wilfully fail to deliver the number of bales of cotton, upon which he or she obtained an advance, in accordance with his or her receipt herein required to be executed; or, who shall prevent or attempt to prevent a sale of said cotton—or prevent or attempt to prevent a payment of the proceeds of said cotton, in discharge of his or her advance, by the person to whom said cotton may be delivered whilst said advance, or any part thereof is unpaid, shall be liable to indictment, and on conviction thereof, shall be imprisoned in Penitentiary not more than five years. In addition to said punishment, said party so offending, shall forfeit and pay to the State, double the amount due upon said advance, to be recovered in the name of the State of Mississippi, in any court having jurisdiction thereof. Any money so recovered, shall be placed in the Treasury, with the fund arising from the payment of said advances, and applied, if necessary to the redemption of said Treasury notes, *Provided* that any person liable to indictment and forfeiture, under this section, may apply to the Governor for permission to pay his or her indebtedness, due upon said advance, and upon each payment, the Governor may, in his discretion, decline to institute, or may discharge any proceeding under this section, pending against such delinquent.

Penalty,
failure to
pay.

SEC. 15. *Be it further enacted*, That any public officer or other person who shall embezzle, or in any way whatever, issue or appropriate, any of the said Treasury notes, or who shall embezzle, or issue, use or appropriate, in any manner whatever, any of the funds connected with the issue and redemption of said Treasury notes, not in accordance with the provisions of this act, shall be liable to indictment therefor: and on conviction, shall be punished by imprisonment in the Penitentiary not less than ten years.

SEC. 16. *Be it further enacted*, That articles 108, 114, 115 and 116, of section thirty-one, of chapter sixty-four of the Revised Code, are hereby declared

to be a part of this act, and applicable to the Treasury notes, issued by virtue of the same : and any person who shall be convicted of any of the offences specified in said articles, in reference to the said Treasury notes, shall be punished by imprisonment in the Penitentiary not less than ten years.

Books to be kept. SEC. 17. *Be it further enacted*, That the Auditor and Treasurer are hereby required to keep such books, and to make such entries as may be necessary to show the number and amount of the Treasury notes issued under this act, the date of their issuance, the persons to whom issued, the amount repaid, by whom, and when, and in what funds, together with such other entries as may be required fully and distinctly to show all their actings and doings, in relation to the Treasury notes authorized by this act.

SEC. 18. *Be it further enacted*, That the provisions of this act shall only apply to the cotton made in this State in the year, 1861.

SEC. 19. *Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved, December 19, 1861.

CHAPTER XV.

RESOLUTION to appoint delegates to Southern Planters Convention to be held at Memphis on the 16th Dec. 1861.

Resolved, (the House concurring), That the Governor be requested to appoint four delegates from each Congressional District, to act in connection with delegates appointed by the Agricultural Bureau and Agricultural Societies of the several counties to represent this State in the "Southern Planters Convention," proposed to be held at the City of Memphis on the 16th day of December next.

Approved, November 28th, 1861.

CHAPTER XVI.

RESOLUTION appropriating cartridge boxes to the Smith
Quintan Rifles.

Resolved, That the Chief of Ordnance, be, and he is hereby required to deliver to the Smith Quintan Rifles, a volunteer company in the city of Jackson; and the Rankin mounted Rifles, enlisted under the recent call of the Governor, a number of cartridge boxes equal to the number of privates and non-commissioned officers in said companies, upon the Captains of said companies executing to him their receipt for the same. *Provided however*, there may be that number in his Department unappropriated.

Approved November 27, 1861.

CHAPTER XVII.

RESOLUTION to authorize the Chief of Ordnance to furnish
accoutrements to Fireside Defenders.

Resolved, That the Chief of Ordnance be and he is hereby required to deliver to the Fireside Defenders, a volunteer company from the county of Rankin under the recent call of the Governor, belts, caps and cartridge boxes equal to the number of non-commissioned officers and privates in said company entering into bond in double the value of said accoutrements, payable to the State of Mississippi with good and sufficient security, to be approved by said Chief of Ordnance and condition for the faithful return of said accoutrements when said company shall be discharged.

Approved, November 29, 1861.

CHAPTER XVIII.

RESOLUTIONS appointing certain committees.

Resolved, That two committees, each to consist

of one on the part of the Senate, and two on the part of the House, be appointed to set in vacation, the one to examine the offices of Chief of Ordnance, Adjutant General, and Quartermaster General, as well as the proceedings and accounts of the Military Board; the other for the examination of the offices of Auditor, Treasurer, and Secretary of State, and Executive Office, as well as the accounts of the Penitentiary, Lunatic Asylum, and the institutions of the Deaf and Dumb and Blind, and that said committees have full power and authority to send for papers, summon witnesses, and if necessary, examine them on oath, and that said committees upon the conclusion of such examinations thoroughly made, shall report the same to the Governor, furnishing with said reports condensed abstracts of all information needful for publication, which abstracts, the Governor shall order to be printed.

Resolved further, That the members of said committees shall be entitled to receive the sum of four dollars per day each for the time employed in said examinations, and that the Auditor be hereby required to issue his warrant on the Treasurer for the same.

Approved, November 29, 1861.

CHAPTER XIX.

RESOLUTIONS by the Legislature of the State of Mississippi in relation to the battle of the 21st October, 1861.

Resolved, by the Legislature of the State of Mississippi, That Mississippi has hailed with joyous pride the intelligence, of, the ever memorable and glorious battle of the 21st of October, in which so large a share of the honors of the day fell to her gallant sons—that we deeply sympathize with them in the hardships they endured, and in the loss of companions honored and loved.

Resolved further, That the Colonels of the 13th, 17th and 18th Mississippi Regiments, cause these resolutions to be read at the head of their respective commands.

Resolved, That the Clerk of the House of Representatives furnish them copies for that purpose.

Approved, November 23, 1861.

CHAPTER XX.

JOINT RESOLUTION to fill a vacancy in the Provisional Congress of the Confederate States.

Resolved by the Legislature of the State of Mississippi. That the two Houses will meet in joint Convention on Friday the 22d day of November instant at 12 o'clock M., in the Hall of the House of Representatives for the purpose of electing a Delegate to the Provisional Congress of the Confederate States to fill the vacancy caused by the resignation of the Hon. Alexander M. Clayton, late one of the Delegates from the State of Mississippi.

Approved, November 23, 1861.

CHAPTER XXI.

RESOLUTION in relation to furnishing the Newton Rebels with cartridge and cap boxes.

Resolved by the Senate (the House concurring), That the Chief of Ordnance be required to furnish the "Newton Rebels" a volunteer company from Newton county with ——— cap and cartridge boxes, and the Captain of said company be required to give bond in double the value of the articles furnished the company with good and sufficient security, to be approved by the Chief of Ordnance, payable to the State of Mississippi, conditioned for the safe return of the same whenever the said company disbands.

Approved, December 11, 1861.

CHAPTER XXII.

AN ACT for the relief of Zenias A. Clark.

WHEREAS, Zenias A. Clark heretofore, to-wit, on the 20th day of February, 1860, entered at the land office in the city of Jackson, lots No. 11 and 12 of Section 26, township 23, range 8 east, for the sum of one hundred and forty dollars and forty-five cents, and whereas, it now appears that said lands had before that date, to-wit: on the 18th of January, 1854 been sold and conveyed by the State to one David S. Byrd.

SECTION 1. *Be it therefore enacted by the Legislature of the State of Mississippi,* That the Auditor of Public Accounts be directed to issue his warrant on the Treasury in favor of Zenias A. Clark for the sum of one hundred and forty and forty-five one hundreths dollars.

SEC. 2. *Be it further enacted,* That this act take effect and be in force from and after its passage.

Approved, December 3, 1861.

CHAPTER XXIII.

AN ACT to provide for the collection of certain arrears of taxes in the county of Jefferson.

WHEREAS. It is represented that a large amount of the State and county taxes of the county of Jefferson, due by the assessment of 1860, and which ought to have been collected in the year 1861, remains uncollected; therefore,

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi,* That the tax collector of the county of Jefferson be, and he is hereby authorized and required to collect all the State and county taxes in said county of Jefferson which ought to have been collected, and paid into the State or county Treasury on or before the first day of July last, and which remain uncollected, and that the same be collected in the same manner as the other taxes of the current fiscal year, and paid into the

State and county Treasuries, at the same time and in the same manner that other taxes are required to be paid, and that the said tax collector shall be liable on his bond for the taxes collected under this act in the same manner as for other taxes collected by him.

SEC. 2. *Be it further enacted*, That the said tax collector shall keep and report under oath to the Auditor and county Treasurer, a separate and full report of the amount collected under this act, and shall be allowed commissions thereon, as in other cases, and the amounts paid in under this act shall be applied by the Auditor and county Treasurer respectively to the credit of the balance standing against R. F. McGinty, late tax collector of said county for his failure to collect the same; and that this act shall not effect the remedy of the State or county against the said McGinty and his sureties.

SEC. 3. *Be it further enacted*. That this act shall take effect from its passage.

Approved November 20, 1861.

CHAPTER XXIV.

AN ACT to reduce the fees of certain officers in Neshoba county.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the Probate Judge of said county shall receive the sum of two hundred and fifty dollars per annum, instead of three hundred and fifty dollars as now allowed by law.

SEC. 2. *Be it further enacted*, That the members of the Board of Police of said county shall receive the sum of one dollar and fifty cents each for each day in which they are actually engaged in discharge of the duties of their office and nothing more.

SEC. 3. *Be it further enacted*, That Inspectors and Clerks of election in said county shall be entitled to no compensation.

SEC. 4. *Be it further enacted*, That all laws

and parts of laws contravening the provisions of this act be and the same are hereby repealed, so far as said county is concerned ; and that this act shall take effect, and be in force from and after its passage.

Approved. November 29, 1861.

CHAPTER XXV.

AN ACT to authorize the Board of Police of Smith county to appropriate the monies arising from the sale of éstrays to county purposes, &c.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the Board of county Police of Smith county be and is hereby authorized to appropriate the funds arising from the sale of estrays and runaway slaves, and which shall not be claimed by the owners thereof within the time limited by law, to county purposes, instead of common or free schools.

SEC. 2. *Be it further enacted*, That it is the duty of the Ranger to take county claims in payment for any estrays sold in said county of Smith, after the costs are paid.

SEC. 3. *Be it further enacted*, That the county Treasurer be authorized to receive county claims for all forfeitures and fines, in said county of Smith.

SEC. 4. *Be it further enacted*, That all acts and parts of acts, in conflict with this act shall be and the same are hereby repealed so far as Smith county is concerned.

SEC. 5. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

Approved November 29, 1861.

CHAPTER XXVI.

AN ACT to define and punish the crime of the fraudulent removal of personal property under mortgage, pledge or deed of trust and liens by judgment, from this State.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That if any person shall remove, or cause to be removed to any place beyond the jurisdiction of this State, any personal property which shall at the time of such removal be under written pledge, mortgage, or deed of trust, and liens by judgment, in this State, with intent to defraud the pledge, mortgagee, trustee, or *cestive qui* trust of said property, said person shall be deemed guilty of felony, and upon conviction thereof before a court of competent jurisdiction, shall be imprisoned in the Penitentiary for one year.

SEC. 2. *Be it further enacted*, That if any person shall remove or cause to be removed, or shall aid or assist in removing to any place beyond the jurisdiction of this State, any personal property upon which there shall, at the time of such removal, be any judgment or execution lien, within the State, with intent to defraud the person entitled to the benefit of such lien, such person shall be deemed guilty of felony, and upon conviction thereof, shall be imprisoned in the Penitentiary for one year.

Approved. November 29, 1861.

CHAPTER XXVII.

RESOLUTION appropriating cartridge and cap-boxes to the Lafayette Sharpshooters and other Volunteer Companies.

Resolved by the Legislature of the State of Mississippi, That one hundred and fourteen cartridge boxes and cap boxes be furnished to the Lafayette Sharpshooters now in camp at Grenada, from the State armory, upon said company executing a good and sufficient bond for the same; and also to Capt. Barry's Company now in camp at Grenada, and the "Yankee Hunters," Capt. Thompson's company of Madison county.

Approved December 11, 1861.

CHAPTER XXVIII.

AN ACT to extend the provisions of an act entitled An Act to prohibit the sale and gratuitous distribution of vinous, spirituous and fermenting liquors within four miles of Westville Seminary, in Simpson County, and for other purposes, to Police District No. 3, in Simpson County.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi.* That the provisions of an act entitled, an act to prohibit the sale and gratuitous distribution of vinous, spirituous and fermenting liquors within four miles of Westville Seminary, in Simpson County, and for other purposes, approved February, 1860, be and the same are hereby extended to Police District number three, in Simpson County.

SEC. 2. *Be it further enacted,* That this act take effect and be in force from and after its passage.

Approved, December 3, 1861.

CHAPTER XXIX.

AN ACT to amend Chapter twenty-three of the Revised Code so far as regards the County of Adams.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi,* That so much of Chapter twenty-three of the Revised Code as refers to the appointing of Overseers of the Poor, by the Board of Police, and the duties of said overseers, be and the same is hereby repealed, so far as regards the County of Adams.

SEC. 2. *Be it further enacted,* That the Board of Police of said county shall perform all the duties heretofore incumbent upon the Overseers of the Poor of said county.

SEC. 3. *Be it further enacted,* That this act shall take effect and be in force from and after the expiration of the present term of said overseers.

Approved, December 3, 1861.

CHAPTER XXX.

AN ACT to reduce the Salary of the Probate Judge of Tishomingo County.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi,* That hereafter the salary of the Probate Judge of Tishomingo County shall be six hundred dollars, instead of eight hundred dollars.

SEC. 2. *Be it further enacted,* That this act shall take effect and be in force from and after the first day of January, 1862.

Approved, December 3, 1861.

CHAPTER XXXI.

AN ACT to amend an act in relation to the Charter of Brooksville.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi,* That an election be held in the town of Brookville, on the last Saturday in December, 1861, or at any time thereafter, *Provided,* that ten days notice be given of the same by any citizen of the said town.

SEC. 2. *Be it further enacted,* That the sum of six dollars be substituted for that of three dollars where it occurs in section five.

SEC. 3. *Be it further enacted.* That all acts or parts of acts, inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved, November 29, 1861.

CHAPTER XXXII.

AN ACT to amend an act to incorporate the Vernal Male and Female Academy, in Greene County, and for other purposes, approved February 3, 1860.

SECTION 1. *Be it enacted by the Legislature of the*

State of Mississippi, That said act be so amended that the election of the Trustees shall be annual instead of tri-annual, as by said act provided.

SEC. 2. *Be it further enacted*, That said trustees shall be empowered and authorized to hold property, real, mixed and personal, to an amount not exceeding fifty thousand dollars.

SEC. 3. *Be it further enacted*, That all acts and parts of acts conflicting with this act be and the same are hereby repealed, and that this act shall take effect and be in force from and after its passage.

Approved November 29, 1861.

CHAPTER XXXIII.

AN ACT to reduce the Salary of the Probate Judge and the per diem of the Members of the Board of Police of Hancock County.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the salary of the Probate Judge of Hancock County shall be one hundred dollars per annum, instead of two hundred dollars as now provided by law.

SEC. 2. *Be it further enacted*, That each Member of the Board of Police shall receive one dollar and fifty cents per day for each day occupied in the discharge of his duties.

SEC. 3. *Be it further enacted*, That this act take effect and be in force from and after the first day of January, 1862.

Approved November 23, 1861.

CHAPTER XXXIV.

RESOLUTION for the promotion of not only our political, but material prosperity and independence.

WHEREAS, in a well-directed system of mixed husbandry consists the true elements of our mate-

rial prosperity and independence; and whereas, this end cannot be attained by the system of exclusiveness heretofore practiced by the planting of cotton; and whereas, it is necessary to change the habits of our people in order to inaugurate a more judicious, economical and generally sustaining system; and whereas, a large surplus of cotton on hand at the raising of the blockade would result in ruinously low prices for years, and our prosperity materially abridge by neglect of the cereals and of stock; and whereas, we are now feeling and will continue to feel the paralyzing effects of studied neglect of mixed husbandry heretofore, and too much engrossment in the production of cotton: Therefore,

1st. *Be it resolved by the Legislature of the State of Mississippi*, That our planters and farmers be requested to plant not exceeding one-fourth of the usual or average amount of cotton during the continuance of the blockade, and to form county associations promotive of this end, pledging their word of honor not to exceed the amount to be planted, embraced in this section.

2d. *Resolved*, That our planters and farmers are hereby exhorted to largely increase the amount and breadth of land to grain and the grasses, to give increased attention to the raising of stock and the growing of fruits generally.

3rd. *Resolved*, That the Legislature of our sister cotton States are hereby most respectfully invited to join us in our recommendations, and urge the same upon their people.

4th. *Resolved*, That we earnestly hope the Southern Planters' Convention, which meets in Memphis, Tennessee, on the 16th day of December inst., will also join us in our recommendations, and that a copy of these resolutions and preamble be forwarded to its President by the President of the State Agricultural Bureau.

Approved, December 3, 1861.

CHAPTER XXXV.

RESOLUTION in relation to the Edwards Guards, and McManus Rifles.

Resolved, by the Legislature of the State of Mississippi, That the Chief of Ordnance be and he is hereby authorized to furnish to the Edwards Guards and McManus Rifles, cartridge boxes, cap boxes and belts, equal to the number of the non-commissioned officers and privates in each of said companies, and that the captains of said companies be required to enter into bond in double the value of said accoutrements, payable to the State of Mississippi, with good and sufficient security, to be approved by the Chief of Ordnance, conditioned for the return of said accoutrements when said companies shall be disbanded.

Approved November 27, 1861.

CHAPTER XXXVI.

RESOLUTION granting W. H. Clark leave of absence for sixty days.

Resolved, by the Legislature of the State of Mississippi, That leave of absence for sixty days be hereby granted to W. H. Clark, Probate Judge of Rankin county.

Approved November 29, 1861.

CHAPTER XXXVII.

AN ACT to authorize Railroad Companies in this State to issue notes to be circulated as money.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi,* That the Railroad companies mentioned hereinafter be and they are hereby author-

rized and empowered to issue notes of any denomination not greater than three dollars, nor less than one dollar, to be circulated as money; said notes to be signed by the president, and countersigned by the secretary or treasurer of the company issuing them, and shall be obligatory and binding on the company by whom they are issued.

SEC. 2. *Be it further enacted*, That the Mississippi Central railroad company may issue notes to an amount not exceeding one hundred and fifty thousand dollars. The Mobile and Ohio railroad company, an amount not exceeding one hundred thousand dollars. The Mississippi and Tennessee railroad company, an amount not exceeding fifty thousand dollars. The Southern railroad company, an amount not exceeding fifty thousand dollars. The West Feliciana railroad company, not exceeding twenty thousand dollars. And the Grand Gulf and Port Gibson railroad company, not exceeding ten thousand dollars; and the same to re-issue until one year after the close of the existing war: but nothing contained in this act shall be so construed as to authorize an issuance of notes to be circulated as money by any of the railroad companies herein named after the time limited in this section. Said roads shall redeem at the following places, to wit: The Mississippi Central railroad, at their office at Holly Springs. The Mississippi and Tennessee railroad at Grenada. The Southern railroad at Vicksburg; and the Mobile and Ohio railroad at Columbus: *Provided*, That if any of the railroad companies to whom the privileges and immunities of this act apply, shall at any time refuse to redeem the notes as provided for by this act, which they are authorized by this act to issue, they shall thereby forfeit all the rights and privileges conferred upon them by this act, and shall be subject to be proceeded against in the courts of competent jurisdiction, for a forfeiture of the chartered privileges by this act granted.

Issues
limited.

Notes,
where to
be redeem
ed.

Penalty
for refusal
to redeem

SEC. 3. *Be it further enacted*, That the notes issued by any of said railroad companies shall, at all times be redeemed when presented, at the office of the company issuing them, in sums of not less

than five dollars, either in gold or silver, or the notes of the Confederate States, or in bank notes current at the time and place of presentation, and shall be received by the company by whom issued, in payment of passage, or for the transportation of freight over its road, and in payment of any debt due to it.

Limit of
circulation
penalty
for viola-
tion.

SEC. 4. *Be it further enacted*, That in the event the President, Secretary, or Treasurer of any railroad company, should sign and issue, or cause to be signed and issued, an amount of notes greater than the sum limited in this act, shall be deemed guilty of a high misdemeanor, and on conviction thereof, shall be fined in any sum not exceeding one thousand dollars, and imprisoned in any county jail for a period not exceeding six months, at the discretion of the court, and shall be held and deemed liable in their individual capacity for the full amount of such excess of issue, to be recovered in any court of competent jurisdiction.

Penalty
for coun-
terfeiting.

SEC. 5. *Be it further enacted*. That if any person or persons shall be found guilty of altering or counterfeiting any note or notes issued by any of said railroad companies, or knowingly have in his, her, or their possession with the intention to pass or passing any spurious or fraudulent note purporting to have been issued, by any of said railroad companies, they shall be deemed guilty of forgery, and on conviction thereof, subjected to the penalties now prescribed by the Revised Code, for the punishment thereof.

N. O.,
Jackson,
& G.N. R'l
Road.

SEC. 6. *Be it further enacted*. That the New Orleans, Jackson, and Great Northern railroad is hereby authorized to circulate in this State, notes issued by said company, under the law of Louisiana, under the same liabilities, limitations, obligations and penalties imposed upon the other railroad companies mentioned in this act.

This act
to take ef-
fect.

SEC. 7. *Be it further enacted*, That this act take effect and be in force from and after its acceptance by a majority of the stockholders present at any annual or convened meeting, in person or by proxy, of any of the companies named in the second section of this act, and filing in the office of Secretary of State, a copy of said acceptance, so far as to

bestow upon the company accepting its provisions, all the powers and privileges granted by this act.

SEC. 8. *Be it further enacted*, That each company shall present at Jackson the books whenever called on by the Legislature of this State, for the purpose of showing the amounts issued, and the ability to pay the same.

SEC. 9. *Be it further enacted*, That the notes or bills authorized to be issued by the several railroads chartered by the State, may be issued upon the following terms and conditions, viz: The several roads issuing bills or notes for circulation as money, shall receive for freight or passage at par, the notes or bills of any road authorized by this act to issue bills or notes for the purpose of circulating as money.

Approved December 20, 1861.

CHAPTER XXXVIII.

AN ACT to amend the Charter of incorporation of the Board of Trustees, to aid in establishing house to print books, &c., for the benefit of the Blind.

WHEREAS, The Board of Trustees to aid in establishing a publishing house to print books, &c., for the benefit of the blind, have resolved that they deem it expedient to change the location of said American printing house, for the Blind, from the City of Louisville to some suitable point in the Confederate States.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the Board of Trustees to aid in establishing a publishing house, to print books, &c., for the benefit of the blind, be and they are hereby empowered, without forfeiting any of their rights, privileges or franchises, to locate said contemplated publishing house in such place within the Confederate States, as they deem most proper.

SEC. 2. *Be it further enacted*. That this act take effect from and after its passage.

Approved November 22, 1861.

CHAPTER XXXIX.

AN ACT to amend the common school laws of Yalobusha county.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That hereafter the sheriff and treasurer of Yalobusha county be, and they or either of them are hereby required to pay over to the school commissioners of the respective townships of said county, (except township twenty-two, of range 5 east) all such monies and effects belonging to the common school fund of said county, as may come into, or be in their possession : said payments to be made on the first Mondays of January, of each and every year.

SEC. 2. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

Approved December 3, 1861.

CHAPTER XL.

AN ACT in relation to Slaves.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That no master or employer of any slave or slaves shall keep or suffer any such slave or slaves to be quartered, or to reside at any distance greater than one mile from the residence of the master or employer, without an overseer or some white male person having charge of such slave or slaves capable of performing patrol duty, and any person who shall offend against the provisions of this act shall be guilty of a misdemeanor, and may be indicted therefor; and on conviction shall be fined in a sum of not less than two hundred dollars, nor exceeding one thousand dollars; and that so much of article 39, of section 8, of chapter 33 of the Revised Code as conflicts with his act be and the same is hereby repealed.

Approved, November 29, 1861.

CHAPTER XLI.

AN ACT to provide for the safe keeping of the records and files of the late Superior Court of Chancery of the State of Mississippi.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That room number eight, on the basement story of the Capitol, be appropriated to the use of the clerk of the High Court of Errors and Appeals, for the safe keeping of the records, books, files and papers, appertaining to the late Superior Court of Chancery of the State of Mississippi.

SEC. 2. *Be it further enacted*, That this act take effect from its passage.

Approved November 22, 1861.

CHAPTER XLII.

AN ACT to legalize the levy of taxes by the Board of Police of Jackson county, and for other purposes.

SEC. 1. *Be it enacted by the Legislature of the State of Mississippi*, That the levy of taxes made by the Board of Police of Jackson county, made on the first Monday of October last, be and the same is hereby legalized and declared to be as valid and legal as though said levy had been made on the second Monday of said month.

SEC. 2. *Be it further enacted*, That the said Board of Police of Jackson county be and they are hereby authorized to make the levy of County taxes, and all other taxes which they now have the power by law to levy, at their regular meeting on the first Monday of October of each year, instead of on the second Monday of said month.

SEC. 3. *Be it further enacted*, That this act take effect from and after its passage.

Approved November 23, 1861.

CHAPTER XLIII.

AN ACT to repeal an act entitled an act to incorporate the proprietors of the town of Montgomery, in Holmes Co., and for other purposes; approved the 24th day of February, 1836.

SEC. 1. *Be it enacted by the Legislature of the State of Mississippi*, That the above recited act entitled an act to incorporate the proprietors of the town of Montgomery, in the county of Holmes, and for other purposes, be and the same is hereby repealed.

SEC. 2. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

Approved November 23, 1861.

CHAPTER XLIV.

AN ACT to repeal so much of chapter 6, section 10, article 112, of Revised Code, as makes persons ineligible to the office of sheriff, who shall have held the office of sheriff for the two preceding terms.

SEC. 1. *Be it enacted by the Legislature of the State of Mississippi*, That so much of chapter 6, section 10, article 112, of Revised Code, as makes persons ineligible to the office of sheriff, who shall have held the said office of sheriff for the two preceding years, be and the same is hereby repealed.

SEC. 2. *Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved November 23rd, 1861.

CHAPTER XLV.

AN ACT to reduce the salary of the Probate Judge of Pike county.

SEC. 1. *Be it enacted by the Legislature of the State of Mississippi*, That the salary of the Pro-

bate Judge in and for the county of Pike, shall be four hundred dollars, instead of seven hundred and fifty dollars, as now provided by law.

SEC. 2. *Be it further enacted*, That this act take effect and be in force from and after the expiration of the term of office of the present incumbent of said office.

Approved November 23rd, 1861.

CHAPTER XLVI.

AN ACT supplemental to an act entitled an act to authorize the Governor of the State of Mississippi to accept volunteers for immediate service in support of the Confederate troops at Columbus, Kentucky, or elsewhere they may be needed.

SEC. 1. *Be it enacted by the Legislature of the State of Mississippi*, That the above entitled act be and the same shall also embrace such companies as have been mustered into the service of the Confederate States, and are now in camp within the limits of this State, without arms, so far as to authorize the Governor to arm said troops, &c.

SEC. 2. *Be it further enacted*, That this act shall take effect from and after its passage.

Approved November 21, 1861.

CHAPTER XLVII.

AN ACT for the relief of J. Duncan Davis, of Hancock county, in this State.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That J. Duncan Davis, of the county of Hancock, in the State of Mississippi, be and he is hereby restored to all the rights, privileges and immunities of a citizen of this State.

SEC. 2. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

Approved December 3rd, 1861.

CHAPTER XLVIII.

AN ACT to amend an act entitled an act to regulate the working of roads in Adams county, approved December 3, 1858.

SEC. 1. *Be it enacted by the Legislature of the State of Mississippi*, That the sixth section of the above recited act be so amended as not to include gates erected across the public roads along the banks of the Mississippi river, in said counties.

SEC. 2. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

Approved December 3, 1861.

CHAPTER XLIX.

AN ACT to reduce the County tax of Lauderdale County.

SEC. 1. *Be it enacted by the Legislature of the State of Mississippi*, That all acts and parts of acts allowing compensation to inspectors and clerks of election, are hereby suspended, so far as relates to the county of Lauderdale, during the war now carried on between the United States and the Confederate Government, and that all such inspectors and clerks be exempt from working the roads one day for every day employed in holding said elections, in lieu of the pay heretofore provided.

SEC. 2. *Be it further enacted*, That all acts allowing compensation to jurors on coroners' inquests be and the same are hereby repealed, so far as relates to said county, and that said jurors be exempt from working the roads one day for every day's service on said juries.

SEC. 3. *Be it further enacted*, That the members of the Board of Police of Lauderdale county shall receive the sum of two dollars per diem each, for every day they are engaged in the actual discharge of the duties of their office, and nothing more.

SEC. 4. *Be it further enacted*, That the per diem of regular petit jurors shall be one dollar and fifty cents, instead of two dollars, as now provided by law for the county of Lauderdale. Of petit jurors.

SEC. 5. *Be it further enacted*, That all laws and parts of laws contrary to the provisions of this act be and the same are hereby suspended during the present war, and that this act take effect and be in force from and after its passage.

Approved, December 3, 1861.

CHAPTER L.

AN ACT to authorize persons claiming and occupying certain land under the Trustees of Jefferson College, and held by the State as internal improvement of land, to enter the same.

SEC. 1. *Be it enacted by the Legislature of the State of Mississippi*, That all persons who are in the possession of land in this State, claiming the same by virtue of location thereon of Jefferson College floats, as they are commonly called, where such land has been located for this State as internal improvement, and confirmed as such by the proper officer of the United States, shall and they are hereby authorized for twelve months from the passage of this act, to enter the same in the office of the secretary of State, of this State, in preference to any one else, at the price now required to be paid for said internal improvement land.

SEC. 2. *Be it further enacted*, That this act shall apply only to such land as was located under a Jefferson College float, prior to the donation, or grant thereof, by the United States to this State, as internal improvement land.

SEC. 3. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

Approved December 3, 1861.

CHAPTER LI.

AN ACT to revive article 12, chapter 8, of the Revised Code, so far as it relates to Jasper County, and for other purposes.

SEC. 1. *Be it enacted by the Legislature of the State of Mississippi*, That the act entitled "an act to regulate the fees of certain officers in Jasper county," approved January 22, 1861, be and the same is hereby repealed.

SEC. 2. *Be it further enacted*, That article 12, of chapter 8, of the Revised Code of Mississippi, be and the same is hereby revived and declared to be in force, so far as the same relates to the county of Jasper, and that all acts in conflict therewith, so far as said article relates to Jasper county, are hereby repealed.

SEC. 3. *Be it further enacted*, That this act take effect from and after its passage.

Approved December 3, 1861.

CHAPTER LII.

AN ACT for the relief of Isham Dansby, of Newton County.

WHEREAS, Isham Dansby, of the County of Newton, having purchased of the Swamp Land Commissioners of said county, scrip amounting to two hundred and eighty acres; this amount being an over-issue, as appears from the confirmation of swamp lands located in said county, therefore:

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That upon the presentation of the above named scrip to the Swamp Land Commissioner or Commissioners of said county, he or they are authorized and required to refund to the said Isham Dansby, his heirs or assigns, the money deposited by said Dansby for said scrip, with ten per cent interest per annum on the money, from the date of the purchase thereof.

SEC. 2. *Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved, December 3, 1861.

CHAPTER LIII.

AN ACT to limit the compensation of the Treasurer of Tippah County.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the Treasurer of Tippah County be allowed three per centum on all money received and paid out by him for county purposes ; *Provided*, such allowance shall not yield him a compensation exceeding four hundred dollars per annum.

SEC. 2. *Be it further enacted*, That this act take effect and be in force when the present incumbent's term of office shall expire.

Approved, December 3, 1861.

CHAPTER LIV.

AN ACT to secure the payment of all sums borrowed of the School fund, in township twenty-one, range nine east, in Choctaw County.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the property of all persons (including that which is now exempt from levy and sale,) who shall hereafter borrow money belonging to the school fund of the sixteenth section, in township twenty-one, range nine east, in Choctaw County, shall be subject to the payment of all debts contracted by borrowing said funds, and in all such cases, no property shall be exempt from the levying of execution and sale.

SEC. 2. *Be it further enacted*, That all acts and parts of acts, conflicting with the provisions of this act, are hereby annulled.

SEC. 3. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

Approved, December 3, 1861.

CHAPTER LV.

AN ACT to incorporate the Farrall Bridge Company.

SECTION. 1. *Be it enacted by the Legislature of the State of Mississippi.* That G. W. Farrall, and such other persons as may be associated with him, and their successors in office, be and they are hereby constituted a body corporate and politic, by the name and style of "The Farrall Bridge Company," and by that name may sue and be sued, plead and be impleaded, in any court of law or equity in this State; that they may own and hold a certain bridge across the Chickasawhay River, near DeSoto, in Clarke County, and other property, real and personal, not to exceed twenty thousand dollars in value; and may make and ordain such rules and by-laws for the Government of the company as they may deem necessary, *Provided*, they are not inconsistent with the laws of this State or of the Confederate States.

SEC. 2. *Be it further enacted*, That it shall be the duty of the Board of Police of Clarke County to assess and fix the rates of toll to be charged by said "Farrall Bridge Company," and that it shall be lawful for said company to charge and exact toll at the rates thus established.

SEC. 3. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

Approved, December 3, 1861.

CHAPTER LVI.

AN ACT for the relief of the Common School fund of township twenty-two, range eight east, in Calhoun County.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the Treasurer of Yalobusha County be and he is hereby authorized to pay over to the Treasurer of the Common School Fund of township twenty-two, range eight east,

being in the County of Calhoun, all moneys, with interest thereon, which he may have collected or holds for the school fund of said township and range.

SEC. 2. *Be it further enacted*, That this act shall take effect from and after its passage.

Approved, December 3, 1861.

CHAPTER LVII.

AN ACT to reduce the salary of the Probate Judge of Tippah County.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*. That the salary of the Probate Judge of Tippah County shall be four hundred dollars per annum, instead of six hundred, as now allowed by law.

SEC. 2. *Be it further enacted*. That this act take effect and be in force from and after the 1st day of January, 1863.

Approved, December 3, 1861.

CHAPTER LVIII.

AN ACT to reduce the Salary of the Probate Judge of Jones County, and for other purposes.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That after the expiration of the present term of office of the Judge of Probate of Jones County, the salary of the Judge of Probate in said county of Jones shall be one hundred dollars per annum, instead of one hundred and fifty dollars, as is now provided by law.

SEC. 2. *Be it further enacted*, That the members of the Board of Police of Jones County, hereafter elected, shall receive in lieu of the compensation now allowed by law, the sum of two dollars each, per day, and no more.

SEC. 3. *Be it further enacted*, That the Inspectors and Clerks of elections hereafter to be holden in Jones County shall not receive any compensation for their services, except that each one of them shall be exempt from working on the public road one day for each day he may have served as said Inspector or Clerk of elections.

SEC. 4. *Be it further enacted*, That this act take effect from its passage, and continue in force during the existence of the present war between the United States and the Confederate States, and for twelve months after the conclusion of peace.

Approved, December 5, 1861.

CHAPTER LIX.

AN ACT to reduce the Salary of the Probate Judge of Amite County.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the salary of the Probate Judge of Amite County shall be eight hundred dollars instead of one thousand dollars as now provided by law.

SEC. 2. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

Approved, December 5, 1861.

CHAPTER LX.

AN ACT for the purpose of reducing the Salaries of certain officers in the County of Perry.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the salary of the Probate Judge of the County of Perry be fixed at the amount of one hundred dollars per annum.

SEC. 2. *Be it further enacted*, That the Members of the Board of Police of Perry County shall be

entitled to receive the sum of two dollars per day for every day they shall actually serve.

SEC. 3. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

Approved, December 5, 1861.

CHAPTER LXI.

AN ACT to reduce the salary of the Probate Judge of Kemper county and for other purposes.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the salary of the Probate Judge of said county shall be four hundred dollars.

SEC. 2. *Be it further enacted*, That the Inspectors, and Clerks of elections in said county shall be entitled to no compensation, but shall be exempted from road service for the number of days they may serve, as said Inspectors or Clerks.

SEC. 3. *Be it further enacted*, That the members of the Board of Police of said county shall receive the sum of two dollars for each day they are actually engaged in the performance of their duties, and nothing more.

SEC. 4. *Be it further enacted*, That all acts and parts of acts conflicting with the provisions of this act be and the same are hereby repealed.

Approved, December 5, 1861.

CHAPTER LXII.

AN ACT to reduce the county tax of Green county.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That all acts, and parts of acts allowing compensation to Inspectors and Clerks of election be, and they are hereby repealed so far as they relate to the county of Green.

SEC. 2. *Be it further enacted*, That all acts and parts of acts allowing compensation to juries on

Coroners' inquests, be and the same is hereby repealed, so far as they relate to the county of Green.

SEC. 3. *Be it further enacted*, That the members of the Board of Police of Green county shall receive the sum of two dollars per diem each, for every day they are engaged in the actual discharge of the duties of their office, and nothing more.

SEC. 4. *Be it further enacted*, That the Sheriff and Clerk of the Chancery Court of the county of Green, be allowed a sum not exceeding twenty dollars each a year for ex-officio services in attending said Court, in lieu of the sum now provided by law.

SEC. 5. *Be it further enacted*, That all laws requiring the drawing and summoning of petit jurors be suspended until the conclusion of peace between the United States and the Confederate States of America, so far as the county of Green is concerned, and that in lieu thereof, it shall be the duty of the Judge of the Circuit Court of said county in term time to direct the sheriff of said county to summons a petit jury from the by-standers, if said jury be required, and said jurors, so summoned, shall not be entitled to compensation unless they serve for more than one day; then said jurors shall be entitled to the sum of one dollar and fifty cents each, for each day of said service, to be paid out of the Treasury of said county.

SEC. 6. *Be it further enacted*, That all acts and parts of acts contrary to the provisions of this act, be and the same are hereby repealed, and that this act shall take effect and be in force from and after its passage.

Approved; December 5, 1861.

CHAPTER LXIII.

AN ACT for the relief of L. J. Lock, of Smith county.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the Register of the land office at Paulding, Jasper county, in this

State, be and he is hereby directed to correct the Tract Book and Map in said office, so as to make said Tract Book and Map conform to the pre-emption claims of said Lock on file in said office, to the east half of north-west quarter, and north-west quarter of north-east quarter, and north-east quarter of south-west quarter, section thirty-one, township one north, of range eight east; and that upon the certificates of said Register that said correction has been made, the Secretary of State is hereby directed to issue a patent to said Lock for said lands, according to the provisions of an act of the Legislature to authorize the issuance of patents for land in certain cases, approved August 5th 1861.

SEC. 2 *Be it further enacted*, That this act shall be in force from and after its passage.

Approved, December 3, 1861.

CHAPTER LXIV.

AN ACT to prevent the collection of double taxes and for other purposes.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That if any collector of taxes shall collect or receive any taxes, on land or other property that may have been previously paid to himself or the Auditor of Public Accounts, knowing the same to have been so paid, he shall, on indictment, and conviction, be fined not exceeding two thousand dollars, and imprisoned not exceeding six months in the county jail. But in case he shall innocently or by mistake, collect any taxes previously paid as aforesaid, he shall render on oath an account thereof to the Auditor which oath the Auditor of Public Accounts is hereby authorized so administer, and pay the same into the State Treasury: and for any omission or failure in this respect, shall incur the pains and penalties mentioned in the preceding provisions of this act.

Approved, December 4, 1861.

CHAPTER LXV.

AN ACT to appropriate fines, forfeitures, license and monies arising from the sale of estrays and runaway slaves, in Jones county.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the money arising from fines, forfeitures, and amercements, and from licenses that may be granted to alleys, hawkers and pedlers, that are, or may be made by law payable into the county Treasury of Jones county ; and all moneys, after defraying costs, that shall arise from sales of estrays, and runaway slaves, and which shall not be claimed by the owners thereof within the time limited by law ; and all the monies arising from the sources aforesaid that may now be in the county Treasury of Jones county, shall be appropriated by the Board of Police of the county of Jones respectively, to the use and benefit of the volunteers' families of the county of Jones who require assistance.

SEC. 2. *Be it further enacted*, That this act take effect, and be in force from and after its passage.

Approved December 4th, 1861.

CHAPTER LXVI.

AN ACT to reduce the salary of the Probate Judge Lafayette county.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*. That the salary of the Probate Judge of Lafayette county shall be six hundred dollars, instead of one thousand dollars, as is now allowed by law.

SEC. 2. *Be it further enacted*, That this act take effect from and after the expiration of the term for which the present incumbent in said office was elected.

Approved December 5th, 1861.

CHAPTER LXVII.

AN ACT to reduce the salary of the Probate Judge of Marion county.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the salary of the Judge of Probate Court of Marion county, shall be two hundred dollars per annum, instead of three hundred dollars as now provided by law.

SEC. 2. *Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved December 5th, 1861.

CHAPTER LXVIII

AN ACT to suspend the collection of the Vicksburg, Shreveport and Texas Railroad Tax in the City of Vicksburg.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the further collection of Taxes assessed by the city of Vicksburg, for the benefit of the Vicksburg, Shreveport and Texas Railroad Company; be and the same are hereby suspended until twelve months after a treaty of peace is entered into between the United States and the Confederate States.

SEC. 2. *Be it further enacted*, That this act take effect from and after its passage.

Approved December 5th, 1861.

CHAPTER LXIX.

AN ACT to repeal an act entitled an act in relation to the Circuit and Chancery Courts of Tishomingo county, passed December 14th 1859.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the act passed by the Legislature of the State of Mississippi, approved the 14th of December 1859, entitled an act in rela-

tion to the Circuit and Chancery Courts of Tishomingo county, be and the same is hereby repealed.

SEC. 2. *Be it further enacted*, That all suits and prosecutions now pending in the Circuit Courts established by said act, be and the same are hereby removed to the Circuit Court for said county at Jacinto, and that the same stand in the same condition, and be proceeded with as though they had been commenced in said Circuit Court at Jacinto.

SEC. 3. *Be it further enacted*, That all writs, subpoenas, and other process returnable to said Circuit Court at Corinth, shall be returned to the next term of the Circuit Court at Jacinto; and the defendants therein shall demur, plead answer thereto, in the same manner that they would have been required to do, had the same been returnable to said Court at Jacinto.

SEC. 4. *Be it further enacted*, That all defendants and witnesses in prosecution, on the behalf of the State, who may have entered into recognizance, or been summoned to appear at said Circuit Court at Corinth, shall appear at the next term of the Circuit Court at Jacinto, and answer the same, in the same manner that they would have been required to do, had said recognizance, bond or summons required them to appear at said Circuit Court at Jacinto, and that in default thereof, forfeitures and other proceedings be had against them as in similar cases in said Court.

SEC. 5. *Be it further enacted*, That all suits now pending in the Chancery Court at Corinth established by said act, be and the same are hereby removed to the Chancery Court at Jacinto, and that the same be proceeded with in the same manner that they would have been had they been commenced in said Chancery Court at Jacinto, and that all process made returnable to said Chancery Court at Corinth be returned to said Chancery Court at Jacinto, and that the defendants be required to demur, plead, or answer thereto in the same manner that they would have been had the same been made returnable to said Chancery Court at Jacinto.

SEC. 6. *Be it further enacted*, That all the books, papers, records, and furniture, belonging to

said Circuit and Chancery Courts at Corinth, be removed to the Clerk's office of said Circuit and Chancery Courts at Jacinto, and that the same be made a part of the books, papers, records and furniture of said Circuit and Chancery Courts at Jacinto, and that all the judgments, decrees and proceedings had in and before said Circuit and Chancery Courts at Corinth, shall have the same effect and force, and be proceeded with in the same manner and to same extent that they would have had, had the same been rendered and made by said Circuit and Chancery Courts at Jacinto.

SEC. 7. *Be it further enacted*, That this act take effect from and after its passage.

Approved, December 5. 1861.

CHAPTER LXX.

AN ACT for the purpose of arming Capt. R. A. Pinson's Cavalry company, and Capt. Geo. Barnes' Cavalry company of Warren county.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the Governor of the State be, and he is hereby authorized to cause to be issued to Capt. Pinson, of the Pontotoc Dragoons, No. 2, the sum of five thousand dollars of the Treasury notes authorized to be used in the purchase of arms and equipments of volunteers authorized to be issued by the Convention: *Provided*, That Capt. Pinson shall give his bond to the Governor in the sum of eight thousand dollars conditioned for the faithful appropriation of the funds. to the purpose contemplated by this act.

SEC. 2 *Be it further enacted*, That the Auditor is hereby authorized and required to issue his warrant on the Treasury in favor of the said Capt. Pinson for the said sum of money, or issue to him the amount of Treasury notes as the case may be, taking his receipt for the same; and the said Pinson is hereby required to report to the Treasurer the manner in which said sum of money is expended, and shall return the arms purchased therewith to

the State of Mississippi upon the expiration of his term of service.

SEC. 3. *Be it further enacted*, That the sum of two thousand dollars be and the same is hereby appropriated to Capt. George Barnes' Cavalry company, of Warren county, upon the conditions of this act.

SEC. 4. *Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved, December 7, 1861.

CHAPTER LXXI.

AN ACT to amend the Charter of the City of Vicksburg.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the Mayor and Council of the city of Vicksburg in said State be and they are hereby authorized to levy and have collected, under such ordinance as they may enact at such time as they may deem advisable, a tax to carry on the ordinary affairs of said city, not exceeding in any one year the sum of sixty cents on the one hundred dollars worth of taxable property now subject to taxation in said city under the ordinances thereof.

SEC. 2. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

Approved, December 5, 1861.

CHAPTER LXXII.

AN ACT for the relief of Andrew B. Carson, Tax-Collector of Washington county.

WHEREAS, The assessment rolls of said county have been duly completed, certified and delivered to the Clerk of the Probate Court of said county; and whereas, the Board of Police of said county failed to meet and hear objections to, and examine and receive the same; therefore,

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the said Board of Police may, at any regular, called or special meeting thereof, next after the passage of this act, hear objections to, and examine and receive the said assessment rolls.

SEC. 2. *Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved. December 5, 1861.

CHAPTER LXXIII.

AN ACT to amend the Charter of the New Orleans, Jackson and Great Northern Railroad Company.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That hereafter, at all elections for Directors in the New Orleans, Jackson and Great Northern Railroad company, neither the Governor of the State of Mississippi nor the Governor of the State of Louisiana, nor the Mayor of the City of New Orleans, shall be empowered or authorized to vote on the shares of stock owned by either of said States or said City, in said corporation.

SEC. 2. *Be it further enacted*, That the Governor of the State of Mississippi, shall have the power and he is hereby authorized to appoint three citizens of the State of Mississippi, stockholders in said company, to be Directors in said company, to represent the stock owned by said State in said corporation, provided the Governor of the State of Mississippi, shall select said Directors from the various sections of the State, through which the Road passes, so as to represent, as fairly as may be, the stockholders in the various parts of the State.

SEC. 3. *Be it further enacted*, That this act shall not go into effect until passed by the State of Louisiana, and accepted by the stockholders in said company, as required by their Charter.

Approved December 20, 1861.

CHAPTER LXXIV.

AN ACT to aid in arming and equipping a regiment of cavalry for the Confederate service.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi,* That the sum of fifty thousand dollars be and the same is hereby appropriated out of any moneys in the Treasury not otherwise appropriated, to aid in arming and equipping a regiment of cavalry about to be raised by Gen. P. B. Starke, for the service of the Confederate States for the period of twelve months, or for the war, the said sum of money to be drawn from the Treasury by warrant issued on the requisition of the Governor, *Provided however,* That the party or parties proposing to raise said regiment shall, before the receipt of said sum of money give bond with good sufficient security, payable to the Governor in the sum of sixty thousand dollars, conditioned to faithfully apply said sum of money for the purposes contemplated by this act, and to return the arms and equipments purchased therewith to the Quartermaster of this State when their term of service has expired.

SEC. 2. *Be it further enacted,* That the arms and equipments purchased with the money appropriated by this act, shall belong to the State of Mississippi, and shall be returned to the Quartermaster General, when required by the Governor, unless the Government of the Confederate States refund to the State the amount expended under this act, and that this act shall take effect from its passage.

Approved, December 19, 1861.

CHAPTER LXXV.

AN ACT to authorize the Governor of the State to return to the Auditor of Public Accounts certain Auditor's warrants in his hands.

WHEREAS, The Governor of the State has

transmitted to the House a special message informing the House that he has in his possession Auditor's warrants to the amount of one hundred and three thousand dollars issued upon the contract for the purchase of Belgian arms, and whereas the Governor has requested the passage of an act to enable him to return said warrants to the Auditor to be cancelled and have them placed to the credit of the military fund : therefore,

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi.* That the Governor return to the Auditor of Public Accounts to be cancelled the warrants above specified and that the amount thereof be placed to the credit of the military fund.

SEC. 2. *Be it further enacted,* That this act take effect and be in force from and after its passage.

Approved December 20, 1861.

CHAPTER LXXVI.

AN ACT making certain appropriations therein named.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi.* That the sum of seven thousand dollars is hereby appropriated, for the relief of the third Battalion of Mississippi volunteers, which shall be distributed among the various companies belonging to said Battalion, in proportion to the number of volunteers composing the respective companies, said money shall be paid on the order of the Governor, drawn on the Auditor in favor of the Captains of said companies, said Captains shall execute their several bonds to the Governor, in double the amount to which their respective companies may be entitled, with two good securities conditioned for the faithful application of the money so received, and to account to the Governor for the same : said Captains on applying for the money hereby appropriated, shall present to the Governor, a certified list of the

names of the persons then belonging to their commands, and this act shall be in force from its passage.

Approved, December 20, 1861.

CHAPTER LXXVII.

AN ACT for the relief of L. C. Davis, of DeSoto County.

WHEREAS, It appears by the certificate of the sheriff and tax collector of DeSoto county, that L. C. Davis was erroneously assessed with thirteen slaves, for the year 1860, amounting to fourteen dollars and sixty-three cents (\$14 63) and said Davis having paid the full amount of such erroneous assessment, whereby the State received the same twice: Now, therefore,

SEC. 1. *Be it enacted by the Legislature of the State of Mississippi,* That the auditor of public accounts be and he is hereby authorized and required, to issue his warrant on the treasury in favor of L. C. Davis, for the sum of fourteen dollars and sixty-three cents, to be paid out of any money in the treasury not otherwise appropriated; and that this act take effect and be in force from and after its passage.

Approved December 5, 1861.

CHAPTER LXXVIII.

AN ACT for the benefit of the Lunatic Asylum.

SEC. 1. *Be it enacted by the Legislature of the State of Mississippi,* That the auditor of public accounts is hereby instructed to issue his warrants on the treasurer in favor of the trustees of the Lunatic Asylum, for the sum of thirty-two thousand dollars, to be paid in quarterly instalments in advance, out of any money not otherwise appropriated, according to the recommendation of the joint standing committee on the Lunatic Asylum:

Provided, That this amount shall include the annual appropriation, hitherto made by law.

SEC. 2. *Be it further enacted*, That this act take effect from and after its passage.

Approved December 20, 1861.

CHAPTER LXXIX.

AN ACT to amend an act entitled an act to define the powers of the County Police of Covington and Pike Counties, in relation to the Three per Cent Fund, approved February 13, 1846, and for other purposes.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That section first of the above recited act be so amended as to make it the duty of the County Treasurer to loan said moneys out at interest, at ten per cent per annum; and said Treasurer is hereby required, immediately after the passage of this act, and at the maturity of the outstanding notes, to take new notes from any person or persons, having said moneys in their hands according to the above provisions, and on refusal of any such persons to renew said notes, then the said Treasurer is hereby required to sue forthwith for the principal and interest, and five per centum damages thereon, in any court having competent jurisdiction of the same.

SEC. 2. *Be it further enacted*, That the fourth section of the above recited act, be so amended that the full compensation for the services of the Treasurer shall not exceed eight per cent on the interest arising from the principal sum.

SEC. 3. *Be it further enacted*, That the provisions of this act shall apply only to the County of Covington.

SEC. 4. *Be it further enacted*, That the provisions of any act in conflict with this act are hereby repealed, otherwise to be in full force and effect, and that this act take effect from and after its passage.

Approved, December 19, 1861.

CHAPTER LXXX.

AN ACT to extend the time for the collection of the Taxes of the current fiscal year.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the time for the collection of the State and County taxes for the fiscal year, commencing on the first day of May last, be and the same is hereby extended as follows, to-wit: Immediately after the first day of June next, the Tax Collectors shall proceed to collect the said taxes by distress and sale of personal property, and to advertise the lands of all persons who shall not have previously paid their taxes, for sale on the first Monday of July following. The tax deeds to purchasers shall be filed with the Probate Clerk on or before the second Monday of the said month of July, and the collectors shall at the same time file with said clerk the list of the lands sold to the State or to individuals, and shall at the same time present to the Board of Police of his county the report of insolvent and delinquent taxpayers, and the said Board of Police shall meet on that day to receive and act upon the same, and a list of the allowances made shall be certified by the clerk, and transmitted to the Auditor on or before the twentieth day of the said month of July. The collectors shall only be allowed an additional compensation of five per cent on taxes collected after the said first day of June, and they shall pay over all taxes collected, to the State or County Treasurer within thirty days after the said first day of July, or be subject to all the penalties by law, for not paying over such taxes within thirty days, after the first day of June, and all the laws regulating the collection of taxes shall apply to the collection of said taxes, except so far as the same are altered by this act: and that this act shall take effect from its passage.

Approved, December 20, 1861.

CHAPTER LXXXI.

AN ACT for the relief of W. T. Huggins.

SECTION 1. *Be it enacted, by the Legislature of the State of Mississippi,* That the Auditor of Public Accounts be and he is hereby authorized and required to issue his duplicate warrant on the treasury of the State in favor W. T. Huggins, Assessor of Taxes for the County of Chickasaw, for the amount of his commissions for assessing the State tax for the year 1860, amounting to the sum of five hundred and seventy-four sixty-seven one-hundredths dollars.

SEC. 2. *And be it further enacted,* That this act take effect and be in force from and after its passage.

Approved, December 19, 1861.

CHAPTER LXXXII.

AN ACT for the relief of the minor heirs of W. D. Clifton, deceased.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi,* That A. B. Bullard, of the County of Itawamba, Guardian of the minor heirs of W. D. Clifton, deceased, be and he is hereby authorized to sue for and collect from year to year one half the interest due upon money of his said wards, loaned at interest under the order of the Probate Court, or so much thereof as may be sufficient for the proper support, maintenance and education of his said wards, notwithstanding the provisions of an act to modify the collection laws of this State, approved August 5th, 1861.

SEC. 2. *Be it further enacted,* That this act take effect and be in force from and after its passage, so long as the act to modify the collection laws of this State, Approved August 5th, 1861, remains in force.

Approved, December 19, 1861.

CHAPTER LXXXIII.

AN ACT to reduce the pay of Officers holding Elections.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That hereafter, in all elections by the people, the polls shall be opened at nine, A. M. and closed at 4 o'clock, P. M., of the same day ; that only two clerks and two inspectors shall be appointed for any one precinct and that in all cases touching the qualification and rights of voters where the two inspectors cannot agree, the returning officer shall give the casting vote; that all clerks and inspectors appointed to superintend and conduct said elections shall be entitled to receive for such services the sum of one dollar per day for one day only, and that all returning officers shall receive the sum of one dollar per day for one day only, unless two days or more have actually been employed in said service by such returning officer, in which case he shall receive the sum of two dollars and no more.

SEC. 2. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

Approved, December 19, 1861.

CHAPTER LXXXIV.

AN ACT for the Benefit of the Mobile and Ohio Railroad Company.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the Auditor of Public Accounts is hereby instructed to issue his warrant in favor of the Mobile and Ohio Railroad Company, in the sum of sixteen thousand ninety-eight dollars and seventy cents, to be paid out of any money in the Treasury not otherwise appropriated ; this amount being due said Railroad Company for the transportation of State troops up to the fourth day of April last, and that James Whitfield or any

one of the directors of said company is hereby authorised to draw and receipt for the same.

SEC. 2. *Be it further enacted*, That this act take effect from its passage.

Approved, December 21, 1861.

CHAPTER LXXXV.

AN ACT for the relief of F. Cox.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the Auditor of Public Accounts issue to F. Cox his warrant on the Treasury of the State for the sum of two hundred and eighty-six dollars in lieu of warrant No. 888 for that amount heretofore issued to him, and which has been lost or stolen.

SEC. 2. *Be it further enacted*. That this act shall take effect and be in force from and after its passage.

Approved December 19, 1861.

LXXXVI.

AN ACT to postpone the collection of forfeitures until twelve months after the termination of the existing war, or until otherwise directed by law.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the collection of all judgments of forfeiture, heretofore rendered against sureties, upon bonds or recognizances entered into for the appearance of their principals, before any court of this State, to answer the charge of a violation of the penal law of this State, be and the same is hereby postponed until twelve months after the termination of the present war, or until otherwise provided by law.

SEC. 2. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

Approved, December 19, 1861.

CHAPTER LXXXVII.

AN ACT for the benefit of William Connor.

WHEREAS, William B. Cavanah, late of Lowndes County, Miss., did, in his lifetime, make to a certain William Connor a verbal transfer of any and all claims which he, the said Cavanah, might have against the State of Mississippi for distributing the Reports of the High Court of Errors and Appeals, and the Journals of the Legislature, *And, whereas*, the children and distributees of said Cavanah, all being of lawful age, and not intending to carry the administration of their father's estate into court, have given the said Connor a written instrument, attested under oath by a Justice of the Peace, acknowledging and confirming said verbal transfer, therefore,

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the Auditor of Public Accounts be hereby authorized and required to issue his warrant upon the Treasury for any amount which may be due said William B. Cavanah, in favor of said William Connor.

SEC. 2. *Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved, December 19, 1861.

CHAPTER LXXXVIII.

AN ACT to repeal an act to amend an act to secure the interest on the School Fund belonging to the Counties in the Chickasaw cession, so far as the same relates to the County of Calhoun, and for other purposes, approved December 3, 1859, and for other purposes.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That an act entitled an act to amend an act to secure the interest on the School Fund belonging to the Counties in the Chickasaw cession, so far as the same relates to the County of Calhoun, and for other purposes, approved December 3d, 1859, be repealed.

SEC. 2. *Be it further enacted*, That the townships and fractional townships in said county, lying in the Choctaw cession, be authorized to invest in the School Fund of said county any amount of funds, either cash or notes, bonds or other securities arising from the sixteenth sections which they may have, and on making said investment, said townships and fractional townships so investing shall be entitled to and share equally the common fund with the townships and fractional townships in the Chickasaw cession.

SEC. 3. *Be it further enacted*, That the fractional townships having no fund from the sixteenth sections shall be entitled to the foregoing provisions.

SEC. 4. *Be it further enacted*, That it shall be the duty of the Justices of the Peace in whose beat respectively the townships and fractional townships may be, or the Justice of the Peace, most convenient to advertise an election as near the centre of the township or fractional township as may be practicable, by posting notices for fifteen days in three or more public places in said township or fractional township, of the time and place of said election, and shall, with two assistants, hold said election within the hours of 12 M., and 4 P. M. The ballots shall be marked "Consolidation" or "No Consolidation," and said Justice of the Peace and assistants shall certify the result of said election to the School Commissioners of said county, and if a majority of the legal voters of said township or fractional township shall vote for "Consolidation," then the Trustees or Treasurer of said township or fractional township shall deposit with the Treasurer of said county any amount of funds, notes, bonds or other securities belonging to said township or fractional township, who shall receipt for the same, and make proper entries accordingly; but if the majority shall vote "No Consolidation," then Section 2d shall cease as to that township or fractional township.

SEC. 5. *Be it further enacted*, That it shall be the duty of the school commissioners of said county to appoint annually, three inspectors, any two of whom shall be authorized to examine and li-

cense teachers in said county, and in the discharge of their duties shall have due regard to the qualifications necessary for the different localities, and shall also, in the certificates furnished teachers, state the different branches in which they have stood a successful examination, and said inspectors shall receive from each person licensed a fee to be fixed by the school commissioners.

SEC. 6. *Be it further enacted*, That this act shall take effect from and after its passage.

Approved December 20, 1861.

CHAPTER LXXXIX.

AN ACT to restore to market certain lands therein mentioned.

SEC. 1. *Be it enacted by the Legislature of the State of Mississippi*, That all the vacant and unappropriated lands situated in the Jackson land District, lying in Copiah county, Mississippi, and west of Pearl river, be and the same are hereby restored to private entry, under the same rules, regulations and restrictions as other lands in said District.

SEC. 2. *Be it further enacted*, That this act take effect from and after its passage.

Approved, December 19, 1861.

CHAPTER XC.

AN ACT to legalize the acts of the tax assessor of Winston County, Mississippi.

WHEREAS, The assessor of taxes for the county of Winston, failed to file his assessment rolls for the year 1861, in the police court of said county, at the time required by law, to wit, on or before the first Monday in October, 1861, but filed the same therein, on the 21st day of October, 1861; and whereas, the said assessment rolls have been approved and certified by the said police court, at

the time and in the manner required by law. Therefore,

SEC. 1. *Be it enacted by the Legislature of the State of Mississippi*, That the assessment rolls of the county of Winston, as returned by the assessor on the 21st day of October, 1861, shall be taken and received as though the same had been returned and filed in the police court of said county, on or before the first day of October, 1861, and that the compensation allowed by law to the said assessor, shall not be affected by the failure to return said rolls as aforesaid.

SEC. 3. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

Approved, December 19, 1861.

CHAPTER XCI.

AN ACT to amend the road laws within the limits of Washington county.

SEC. 1. *Be it enacted by the Legislature of the State of Mississippi*, That in the county of Washington, the number of commissioners which are required by law to lay out and mark roads, shall be reduced from seven to three, and that the sheriff of said county is hereby authorized to administer the oath required to be administered by law to said commissioners.

SEC. 2. *Be it further enacted*, That the road taxes which are collected east of range six in said county, running through townships fourteen, fifteen, sixteen, seventeen, eighteen and nineteen, shall be applied to the construction of roads and bridges east of that range.

SEC. 3 *Be it further enacted*, That this act take effect from its passage.

Approved December 19, 1861.

CHAPTER XCII.

AN ACT to reduce the price of swamp and overflowed lands in the county of Jackson.

SEC. 1. *Be it enacted by the Legislature of the State of Mississippi*, That from and after the first day of January, 1862, the minimum price per acre of the swamp and overflowed land in Jackson county, shall be ten cents.

SEC. 2. *Be it further enacted*, That all laws now in force with regard to sales of swamp and overflowed land in Jackson county, coming in conflict with this act, be and the same are hereby repealed.

Approved December 19, 1861.

CHAPTER XCIII.

AN ACT to encourage the manufacture of leather in this State.

SEC. 1. *Be it enacted by the Legislature of the State of Mississippi*, That it shall be lawful for any person or company now owning, or wishing to establish a tanyard in this State for the manufacture of leather, to procure and use for that purpose the bark of oak trees growing upon the waste and unappropriated lands of this State.

SEC. 2. *Be it further enacted*, That this act take effect from its passage, and continue in force for twelve months after the establishment of peace between the United States and the Confederate States.

Approved December 19, 1861.

CHAPTER XCIV.

AN ACT to legalize the assessment roll of Hinds county, for the year 1861.

WHEREAS, The Probate clerk of Hinds county has returned the assessment roll for the year 1861,

as having been filed on the 8th day of October, A. D. 1861, instead of the 7th day of October, as the law requires. Therefore,

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the assessment roll of Hinds county, returned by the probate clerk as having been filed on the 8th day of October, A. D. 1861, shall have the same force and effect, and be as valid in law, as if the said assessment roll had been filed on the day required by law.

SEC. 2. *Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved December 19, 1861.

CHAPTER XCV.

AN ACT for the relief of W. P. Baldwin, of Tippah County.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*. That the auditor of public accounts be and he is hereby instructed to issue his warrant on the treasury, in favor of W. B. Baldwin, of Tippah county, for the sum of eleven dollars and seventy-five cents, to be paid out of any money in the treasury not otherwise appropriated.

SEC. 2. *Be it further enacted*, That W. A. Boyd is hereby authorized to draw the amount of money and receipt for the same.

SEC. 3. *Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved December 19, 1861.

CHAPTER XCVI.

AN ACT to increase the pay of the Sheriff of Warren County.

SEC. 1. *Be it enacted by the Legislature of the State of Mississippi*, That the sheriff of Warren

county, hereafter be allowed the sum of two hundred dollars for his services and attendance on the criminal court of Warren county, in lieu of the amount at present allowed by law, to be paid out of the county treasury.

SEC. 2. *Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved December 19, 1861.

CHAPTER XCVII.

AN ACT in relation to the School Fund of Greene County.

SEC. 1. *Be it enacted by the Legislature of the State of Mississippi*, That it shall be the duty of the commissioners of the school fund of said county, to loan out the said fund, taking notes, with two good securities, bearing interest at the rate of ten per cent. per annum, and that said commissioners shall use and appropriate the interest only accruing on said fund.

SEC. 2. *Be it further enacted*. That all acts and parts of acts conflicting with this act, be and the same are hereby repealed, and that this act shall take effect and be in force from and after its passage.

Approved, December 19, 1861.

CHAPTER XCVIII.

AN ACT in relation to the School Fund of Jackson County.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the board of school commissioners of Jackson county, be and the same is hereby abolished, and that the duties now required by law, to be performed by said board of school commissioners, shall be performed by the board of police of Jackson county, at their regular meetings.

SEC. 2. *Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved December 19, 1861.

CHAPTER XCIX.

AN ACT to invest the Probate Court of Hinds County, with jurisdiction in the matter of the last will and testament of Jesse W. Morrison.

WHEREAS, Sarah R. Morrison, widow of the late Jesse W. Morrison, and Allen J. Morrison, who has been appointed executor of the last will and testament of Jesse W. Morrison, deceased, by the Probate court of Copiah county, and James B. Fairchild, father of the said Sarah R. Morrison, have presented their petition to the legislature, praying that the Probate court of Hinds county may be invested with the power to settle up said estate which lies principally in said county of Hinds, the negro cabins, and a large portion of the real estate lying in said county of Hinds, but the residue lying a short distance over the line, in the county of Copiah: Therefore,

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the Probate court of Hinds county, be and hereby is invested with full power and authority to take charge of the last will and testament of Jesse W. Morrison, and have as full and complete authority to settle up the estate of said Morrison, partly lying in Hinds county, and partly in Copiah county, in the same manner as if the said Morrison's last residence had been in said county of Hinds.

SEC. 2. *Be it further enacted*, That the Probate clerk of Copiah county, be and he is hereby authorized and required to, transfer the original will, together with the certificate of the Probate clerk of its probate, and all the original papers pertaining to the last will and testament of Jesse W. Morrison, together with all the orders made by the Probate court of Copiah county, to the Probate

clerk of the county of Hinds, whose duty it is hereby made to receive the same, and file the same in the Probate court of Hinds county, and the said Probate court of Hinds is authorized to proceed with the settlement of said estate, in the same mode and manner as if the said Morrison had have died in the county of Hinds, and had his last residence in said county.

SEC. 2. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

Approved, December 19, 1861.

CHAPTER C.

AN ACT to declare Bogue Phalaiah, and its branches, in the counties of Bolivar and Washington, navigable streams.

SEC. 1. *Be it enacted by the Legislature of the State of Mississippi*, That Bogue Phalaiah and its branches, from their several sources, on and near the Mississippi river, in the county of Bolivar, to its mouth on Sunflower river, in the county of Washington, be and the same are hereby declared to be navigable streams.

SEC. 2. *Be it further enacted*, That any person or persons, who shall obstruct the said streams, or any of them, by felling trees in or across the same, damming them, or otherwise, shall forfeit and pay the sum of one hundred dollars, for each and every offence, to be recovered, in the name of the State of Mississippi, in any court of competent jurisdiction; and moreover, such person or persons so offending shall, upon the requirement of any justice of the peace of the county within which the offence was committed, remove such obstruction within five days after notice of the requisition, and upon failure so to do, said justice shall cause the obstruction to be removed at the expense of the offending party, or parties, and such expense may be sued for and recovered in the name of the State, in any court having jurisdiction.

Approved December 11, 1861.

CHAPTER CI.

AN ACT to amend an act entitled an act to increase the fee for apprehending runaway slaves in the counties of Tunica, Coahoma, Bolivar, Washington and Issaquena.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That an act entitled an act to increase the fee for apprehending runaway slaves, in the counties of Tunica, Coahoma, Bolivar, Washington and Issaquena, approved February 10, 1860, be so amended as to allow the person apprehending a slave, in addition to the sum already allowed by said act, ten cents per mile and all ferriages, for traveling in conveying said slave to his owner.

SEC. 2. *Be it further enacted*. That this act shall take effect and be in full force from and after its passage.

Approved December 11, 1861.

CHAPTER CII.

AN ACT for the relief of William H. Browning.

WHEREAS, William H. Browning did, on the 7th day of January, A. D. 1856, purchase from the auditor of public accounts, the following lands, situate in the county of Issaquena, to-wit: The north-west quarter and west half of north-east quarter, section nineteen, township thirteen, range seven, west, at and for the sum of sixty-eight dollars and forty cents, and received a deed from said auditor, in which the State of Mississippi covenanted to refund to said Browning, the said sum of money in case said Browning was evicted by some regular proceeding, in a court of competent jurisdiction, within five years from the date of said deed; and whereas, the said Browning has been so evicted: Therefore,

SEC. 1. *Be it enacted by the Legislature of the State of Mississippi*, That the auditor of public accounts, be and he is hereby directed to issue to said William H. Browning, or his attorney, a warrant on the treasury for the said sum of sixty-eight dollars and forty cents ; and that this act take effect and be in force from and after its passage.

Approved December 11, 1861.

CHAPTER CIII.

AN ACT to authorize the Board of Police of Bolivar County to remunerate the Clerk of said Board, for extra office services.

SEC. 1. *Be it enacted by the Legislature of the State of Mississippi*, That the board of police of Bolivar county, be authorized to pay to the clerk of said board, such fees for extra services performed by said clerk, as said board may deem right and proper ; and that this act take effect and be in force from and after its passage.

SEC. 2. *Be it further enacted*, That the provisions of this act shall extend to the county of Issaquena.

Approved December 11, 1861.

CHAPTER CIV.

AN ACT for the relief of W. D. Baldwin, of Sunflower County, and the Probate Clerks of Lauderdale and Jasper Counties.

WHEREAS, By reason of the omission of the board of police to hold a meeting on the first Monday in November, 1861, W. D. Baldwin, clerk of the Probate court of said county, will be prevented from transmitting a copy of the corrected assessment roll of said county to the auditor of public accounts, by the first Monday in December, 1861, as required by article 26, chapter 3, of the Revised Code. Therefore,

SEC. 1. *Be it enacted by the Legislature of the State of Mississippi*, That W. D. Baldwin, clerk of the Probate court of Sunflower county, and the Probate clerks of Landerdale and Jasper counties, be allowed until the 20th day of December, 1861, to file with the auditor of public accounts, copies of the assessment rolls of said counties for the present year, and that they be released from the forfeiture to which they might otherwise be liable, provided they present to the auditor said copies of the assessment rolls on or before the said 20th day of December, 1861.

Approved December 11, 1861.

CHAPTER CV.

AN ACT to reduce the price of Swamp and Overflowed Lands, in the County of Jones.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That from and after the first day of January, 1862, the minimum price per acre of the swamp and overflowed land in Jones county, shall be twenty-five cents: *Provided*, this act shall not be so construed as to apply to any lands about which there is now a contest.

SEC. 2. *Be it further enacted*, That all laws now in force with regard to sales of swamp and overflowed lands in Jones county, coming in conflict with this act, be and the same are hereby repealed.

Approved December 11, 1861.

CHAPTER CVI.

AN ACT to legalize the assessment roll of Neshoba County, for the year 1861.

WHEREAS, The assessor of taxes for the county of Neshoba, failed to file his assessment rolls for the year 1861, in the Police court of said county, at the time required by law. to-wit, on or before

the first Monday in October, 1861, but filed the same therein, on the 21st day of October, 1861; and whereas, the said assessment has been approved and certified by the police court at the time and in the manner required by law. Therefore,

SEC. 1. *Be it enacted by the Legislature of the State of Mississippi*, That the assessment rolls of the county of Neshoba, as returned by the assessor, on the 21st day of October, 1861, shall be taken and received as though the same had been returned and filed in the police court of said county, on or before the 1st day of October, 1861, and that the compensation authorized by law to the said assessor, shall not be affected by the failure to return said roll, as aforesaid.

SEC. 2. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

Approved December 11, 1861.

CHAPTER CVII.

AN ACT to appropriate one thousand dollars to repair and improve the Governor's Mansion.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the sum of one thousand dollars be and the same is hereby appropriated to the repair and improvement of the Governor's mansion, and other buildings and fencing on the same lot of ground, to be expended under the direction, supervision and control of his Excellency, the Governor of the State.

SEC. 2. *Be it further enacted*, That the Governor be and he is hereby authorized to pay for said repairs and improvements out of the said sum of one thousand dollars, by certifying over his name to the correctness of any account for work or material contracted for by him; and upon such account being filed with the auditor, so certified, the auditor shall draw his warrant on the treasury for the amount of such account, until the appropriation is exhausted.

SEC. 3. *Be it further enacted,* That this act shall take effect and be in force from and after its passage.

Approved December 11, 1861.

CHAPTER CVIII.

AN ACT to prevent the selling of intoxicating liquors in less quantities than ten gallons, in the Town of Verona.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi,* That it shall not be lawful for any person to sell any vinous, spirituous, or intoxicating liquor in any quantity less than ten gallons, within the incorporate limits of the town of Verona, in Itawamba and Pontotoc counties, except for medicinal and sacramental purposes, in the manner and upon the conditions now provided by law.

SEC. 2. *Be it further enacted,* That any person for violating the provisions of the first section of this act shall be subject to all the pains and penalties now imposed by law for selling vinous, spirituous and intoxicating liquors, in less quantity than one gallon, without license, from the board of police of the county being first obtained.

SEC. 3. *Be it further enacted,* That this act shall take effect and be in force from and after its passage.

Approved December 12, 1861.

CHAPTER CIX.

AN ACT requiring the Boards of Police of the several counties to examine the official action of the commissioners of swamp and overflowed lands, and for other purposes.

SEC. 1. *Be it enacted by the Legislature of the State of Mississippi,* That it shall be the duty of the boards of police in the several counties in this State, to institute and make a thorough exam-

ination of the official action of the commissioners of swamp and overflowed lands in their respective counties; they shall examine the accounts and vouchers of said commissioners; the manner in which they sold the swamp land scrip, and ascertain whether it was sold according to law, and whether the commissioners were the purchasers of any part of it; they shall also inquire into the location of said scrip, and ascertain what amount of land was entered by said commissioners, or by other persons wholly or partially for their benefit: they shall also inquire into and ascertain what disposition was made of the money arising from the sale of said scrip: what amount of it has been paid out, to whom, and for what purpose, and whether it was paid out according to law. The result of said examination shall be entered in detail upon the records of the police court, and shall be open to the inspection of the people; and to enable the said boards of police to make such examination, it shall be the duty of the Secretary of State, and all other public officers, to furnish any information in their possession when required; and the said boards shall also be invested with power to employ counsel at the expense of the county, to be refunded to the county out of any money hereafter belonging to the swamp land fund, to assist them in such examination.

Counsel
to be em-
ployed.

o' Frauds

SEC. 2. *Be it further enacted.* That if upon such examination, the said boards of police shall find that the bond given by any person or persons upon entering upon the office of commissioner of swamp and overflowed lands as aforesaid, has been violated, it shall be their duty to employ counsel, as in the preceding section of this act, to bring suit upon such bond, in any court having jurisdiction of the same. And if upon such examination, the said boards shall find that frauds were committed in the sale of any part of said scrip, or in the entry of any part of said swamp and overflowed lands, it shall be their duty to employ counsel as aforesaid, to bring and prosecute suits, to set aside and cancel all titles to lands thus obtained by fraudulent means, in any court of law or equity having competent jurisdiction: said suits shall be

prosecuted in the name of the board of police of the proper county; and all lands that may have been fraudulently entered in the name or names of the same person or persons, may be included in a single suit; and in all cases where the possession and ownership of any such lands shall have passed out of the original patentee, suit shall be brought against the person found in possession, and all under whom he holds; and it shall be competent for the court in all cases where justice requires such a judgment, to award the land in controversy to an innocent purchaser for a valuable consideration, and to enter decree or judgment against the person fraudulently entering it, for the money paid by the first innocent purchaser.

SEC. 3. *Be it further enacted*, That a majority of any board of police shall be competent to discharge the duties required by this act, and if any board shall fail or refuse to perform said duties in good faith, each and every member so failing or refusing, shall forfeit and pay the sum of five hundred dollars, to be recovered in the Circuit Court of the county, on information given by any person; one half of said amount to be paid to the informer, and the other half to the treasurer of the common school fund.

Quorum
to do business.

SEC. 4. *Be it further enacted*, That the provisions of an act entitled an act to modify the collection laws of this State, approved August 5th, 1861, shall not extend to any suits in law or equity, that may arise under the provisions of this act.

SEC. 5. *Be it further enacted*, That this act shall not apply to any of the swamp and overflowed lands donated to the commissioners of the Homochitto river, by an act of the legislature of this State, approved March 3rd, 1852.

SEC. 6. *Be it further enacted*. That if the boards of police shall fail to institute proceedings under the provisions of this act, then it shall be lawful for any citizen or citizens of the respective counties, to employ counsel and institute suits, for the purpose of setting aside any fraudulent entries in this act mentioned; and for that purpose they are hereby empowered to use the name of the board of police, in any suit or suits brought under the provisions of this act.

Penalty
for failure
to institute
proceedings.

SEC. 7. *Be it further enacted*, That the boards of police of the several counties, are hereby authorized to use any swamp land fund now on hand, for military purposes, to be re-paid to the school fund after the termination of the war.

Counties
excepted. SEC. 8. *Be it further enacted*, That the provisions of this act shall not apply to the counties of Washington, Bolivar, Tunica, Pike, Jasper, Newton, Hinds, Sunflower, Kemper, Carroll, Leake, Adams, Panola, Smith, Coahoma, Amite, Simpson, Claiborne, Copiah, Monroe, Noxubee, Chickasaw, Madison, Wilkinson, Lowndes, Oktibbeha, Choctaw, Tallahatchie, Jefferson, Issaquena, and Warren.

SEC. 9. *Be it further enacted*, That all laws, or parts of laws that conflict with the provisions of this act be and the same are hereby repealed, and this act shall take effect and be in force from and after its passage.

Approved December 12, 1861.

CHAPTER CX.

AN ACT to reduce the salary of the Probate Judge, of Pontotoc county.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the annual salary of the Probate Judge of Pontotoc county shall be six hundred dollars instead of eight hundred dollars and that said salary of six hundred dollars be paid as now provided for.

SEC. 2. *Be it further enacted*, That this act shall take effect and be in force from and after the first day of January 1863.

Approved December 16, 1861.

CHAPTER CXI.

AN ACT to amend an act entitled an act to repeal the common school law of Copiah county, &c., approved December 6th 1859.,

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That so much of the above recited act as provides for the levying and collecting, annually, of fifty per cent. on the State tax be, and the same is hereby suspended until twelve months after the close of the present war; and no school tax shall be collected in said Copiah county until the expiration of said time.

SEC. 2. *Be it further enacted*, That this act take effect from and after its passage.

Approved. December 16. 1861.

CHAPTER CXII.

AN ACT to reduce the salary of the Probate Judges of Yallobusha and Franklin counties

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the salary of the Probate Judge of Yallobusha county be reduced from one thousand to eight hundred dollars, and that hereafter the said Probate Judge shall only receive the sum of eight hundred dollars annually.

SEC. 2. *Be it further enacted*, That the salary of the Probate Judge of Franklin county shall be reduced to five hundred dollars per annum.

SEC. 3. *Be it further enacted*, That this act take effect from its passage.

Approved December 16. 1861.

CHAPTER CXIII.

AN ACT to amend the Charter of the City of Jackson.

SECTION 1. *Be it enacted by the Legislature of*

the State of Mississippi, That the Charter of the City of Jackson be, and the same is hereby so amended as to authorize the Mayor and Board of Aldermen of the city of Jackson to divide the city of Jackson into three separate wards; and the legal voters of each of said wards shall annually elect two members of the Board of Aldermen from their respective wards; and the Mayor and Board of Aldermen are hereby authorized to have election polls opened in each of said wards at the next annual election for Mayor and Board of Aldermen of said city, and are authorized to appoint persons to hold said elections, and suitable persons to make returns thereof, in each of said wards.

SEC. 2. *Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved, December 16, 1861.

CHAPTER CXIV.

AN ACT to reduce the salary of the Probate Judge of Rankin county.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*. That the salary of the Probate Judge of Rankin county from and after the first day of October 1862, shall be five hundred dollars, and no more.

Approved, December 16, 1861.

CHAPTER CXV.

AN ACT to authorize James C. Quinn, Thomas C. Rasberry and William A. L. Harris to make a Will.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That James C. Quinn, Thomas C. Rasberry and William A. L. Harris, minors of the county of Leake, be, and they are hereby enabled to make their last will and testament, and thereby to direct the disposition that shall be made of their property after their death,

as fully and as legally as it they were of the age of twenty-one years.

SEC. 2. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

Approved December 16, 1861.

CHAPTER CXVI.

AN ACT for the relief of O. W. Shipp, of Calhoun county.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the Auditor of Public Accounts be authorized and he is hereby directed to issue his warrant on the Treasurer of the State for the sum of ninety dollars and forty cents in favor of O. W. Shipp, of Calhoun county, the sum being the amount paid to the State by the said O. W. Shipp for certain land to which the State had no title, to-wit : Lot, number thirteen, of section number twenty six, township number twenty three, of range number eight ; the south-west quarter of northeast quarter of section number thirty-five, township number twenty-three of range number eight.

SEC. 2 *Be it further enacted*, That this act take effect from and after its passage.

Approved, December 16, 1861.

CHAPTER CXVII.

AN ACT authorizing the Auditor to issue his warrant on the Treasury for seventy-one dollars and sixty cents, in favor of Jackson Gas Light Company, for balance due on Chandaliers and fixtures furnished the State Capitol.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the Auditor be authorized to issue his warrant for seventy one dollars and sixty cents in favor of Jackson Gas Light Company for balance due on Chandaliers and fixtures furnished the Capitol.

SEC. 2. *Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved December 16, 1861.

CHAPTER CXVIII.

AN ACT for the relief of Thomas S. Parker of Clarke county.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the Auditor of Public Accounts is hereby directed to issue his warrant on the Treasury, payable out of any money not otherwise appropriated, to Thomas S. Parker, of Clarke county for the sum of twenty-five dollars, it being the reward paid by said Parker as Sheriff, &c., for the apprehension of one Riley, who is now confined in the Penitentiary, and who broke jail after his conviction; and that this act take effect from its passage.

Approved December 16, 1861.

CHAPTER CXIX.

AN ACT to reduce the taxes of Hancock county, and for other purposes.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That hereafter the inspectors, Clerks and returning officers of election of Hancock county shall not receive anything for such services as now provided by law.

SEC. 2. *Be it further enacted*, That the petit and grand jurors summoned for the term to the Circuit Courts of Hancock county, shall receive one dollar and fifty cents per diem, instead of two dollars.

SEC. 3. *Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved December 16, 1861.

CHAPTER CXX.

AN ACT to provide for the defraying the Funeral expenses of the late Col. E. R. Burt.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi,* That the sum of one hundred and eighty-six dollars and forty cents be, and the same is hereby appropriated out of any money in the Treasury not otherwise appropriated to defray the funeral expenses of the late Col. E. R. Burt, and the Auditor of Public Accounts be and he is hereby requested to draw his warrant on the Treasury for said amount in favor of D. N. Barrows.

SEC. 4. *Be it further enacted,* That this act take effect and be in force from and after its passage.

Approved, December 19, 1861.

CHAPTER CXI.

AN ACT to amend an act entitled an act to regulate the laying out and working of roads, the establishment of ferries, and the erection of bridges, approved the 11th February 1856.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi,* That the 21st article, section 4, of the 15th chapter of the Revised Code, be and the same is hereby so amended as to require the several Justices of the Peace, to whom a list of defaulters referred to in said article may be returned whenever the amount of the fines, or penalties, shall exceed the jurisdiction of a Justice of the Peace, to certify and return said list to the District Attorney of his District, who shall institute suit thereon in the Circuit Court, which suit shall be prosecuted in other respects according to the provisions of the act to which this is an amendment.

SEC. 2. *Be it further enacted,* That this act shall take effect and be in force from and after its passage.

Approved, December 19, 1861.

CHAPTER CXXII.

AN ACT for the relief of W. H. Browning and Thomas W. Deason.

WHEREAS, W. H. Browning and Thomas W. Deason did on the 23d day of January, A. D. 1856 purchase from the Auditor of public Accounts the following lands, situate in the county of Issaquena, to-wit: the south west quarter and west half south east quarter, section eighteen, township thirteen, range seven west, at and for the sum of eighty-nine dollars and sixteen cents, and received a deed from said Auditor in which the State of Mississippi covenanted to refund to said Browning and Deason, the said sum of money in case they were evicted by some regular proceeding in a court of competent jurisdiction, within five years from the date of said deed; and whereas, the said Browning and Deason have been so evicted; therefore,

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi,* That the Auditor of Public Accounts be, and he is hereby directed to issue to said Browning and Deason, or their Attorney a warrant on the Treasury for said sum of eighty-nine dollars and sixteen cents, and that this act take effect, and be in force from and after its passage.

Approved, December 11, 1861.

CHAPTER CXXIII.

AN ACT for the protection and defense of the Sea-Coast of the State of Mississippi.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi,* That the sum of two hundred and fifty thousand dollars be and the same is hereby appropriated, out of any money or Treasury notes heretofore authorized to be issued, not otherwise appropriated, to be used and expended for the purpose of building or procuring light draft Gun-Boats, propelled by steam, and of mann-

ing, arming and equipping the same for the defense of the Sea-Coast of this State, in such manner as the Governor shall order and direct.

SEC. 2. *Be it further enacted*, That the said sum of two hundred and fifty thousand dollars be, and the same is hereby placed under the control of the Governor of the State, who shall immediately proceed to carry into full effect the design and objects contemplated in the first section of this act, and that said Governor shall have full powers, and it shall be his duty to have such steam gun boats built or procured, manned, armed and equipped and put in active service, on said Sea-Coast, in the shortest possible time; and for that purpose he shall have power to appoint and employ such commissioners, as he shall deem proper; and when so appointed, they shall at all times be under and subject to his orders and direction, and they or any of them, may be removed at his pleasure, and others appointed in their stead, as he may judge most advisable for promoting the ends designed by this act.

SEC. 3. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

Approved, December 10, 1861.

CHAPTER CXXIV.

AN ACT to amend the law of evidence in criminal cases.

SECTION. 1. *Be it enacted by the Legislature of the State of Mississippi*, That when two or more persons are joined in one indictment, the Court shall on application grant a severance and permit them to be tried separately, and each shall then be a competent witness for the other, as well as for the State, and the Court and jury shall give such weight to the testimony of such witness, as in view of his or her situation, they may consider it fairly entitled to.

SEC. 2. *And be it further enacted*, That this act shall be in force from and after its passage.

Approved. December 19, 1861.

CHAPTER CXXV.

AN ACT to prohibit the assessment and collection of taxes on Bowie-knives, Sword-canes and Dirk-knives.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi,* That it shall not be lawful for any Sheriff or Tax-Collector, to collect from any tax payer the tax heretofore or hereafter assessed upon any bowie-knife, sword-cane, or dirk-knife, and that hereafter the owner of any bowie-knife, sword-cane or dirk-knife, shall not be required to give in to the tax assessors either of the aforesaid articles as taxable property, any law to the contrary notwithstanding.

SEC. 2. *Be it further enacted,* That this act be in force and take effect from and after its passage.

Approved, December 19, 1861.

CHAPTER CXXVI.

AN ACT to amend the laws in relation to the State University.

Of trustees. SECTION 1. *Be it enacted by the Legislature of the State of Mississippi,* That the State University at Oxford shall hereafter be under the control and management of a Board of Trustees thirteen in number, of whom the Governor of the State for the time being shall be one, and shall be the President of said Board; in the absence of the Governor a President *pro tem.* shall be elected by the Trustees from among their number present. The remaining twelve Trustees shall be chosen by a joint convention of the two Houses of the Legislature during its present session.

Tenure of office of trustees. SEC. 2. *Be it further enacted;* That the said Trustees when elected shall be notified by the Governor to assemble at the University at an early day, to be fixed upon by him, and when so assembled they shall proceed to divide the twelve Trustees so elected by lot, into three equal classes and the members of the first class shall hold their

office for the term of two years from the day of their election, those of the second class four years and those of the third class six years, and four Trustees shall be chosen by the Legislature in joint convention at every regular session to supply the places of the class whose term is about to expire.

SEC. 3. *Be it further enacted,* That vacancies in said Board, happening in the recess of the Legislature by non-acceptance, death, resignation, removal from the State or otherwise, shall be filled by the remaining Trustees, by election to continue until the end of the next regular session of the Legislature, the vacancy or vacancies shall be filled by the Legislature in the mode above directed, at the session succeeding the same. O. vacancies.

SEC. 4. *Be it further enacted,* That the Board of Trustees created in pursuance of this act, shall possess all the powers vested in the present Board of Trustees of said University, and it shall be their duty to present to the Legislature at the commencement of each regular session a full report of the operation and condition of the University and a detailed statement, of all expenditures of money on account thereof, and also to recommend such measures as they may think necessary for the interest, improvement and efficiency thereof. Powers of trustees.

SEC. 5. *Be it further enacted,* That all laws in conflict with the provisions herein contained are hereby repealed, and that this act shall take effect from its passage.

Approved, December 19, 1861.

CHAPTER CXXVII.

AN ACT for the relief of the Register and Receiver of the Land Office at Washington, Mississippi.

WHEREAS, By an ordinance, passed by the Convention of the State of Mississippi, dated the 26th day of January, 1861, entitled an ordinance supplemental to an ordinance entitled an ordinance concerning the jurisdiction and property of the United States of America in the State of Missis-

issippi, passed on the ——— day of January, 1861, authorized and required the Registers and Receivers of the several Land Offices in this State to perform all the duties of said offices as therein directed ; therefore

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the Receiver of the above named land office, be, and he is hereby authorized to pay the salaries and commissions now due or which may hereafter become due the Register and Receiver of said office out of any money in the hands or possession of the said Receiver at the date of the ordinance of secession of said State.

SEC. 2. *Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved, December 4, 1861.

CHAPTER CXXVIII.

AN ACT to provide for the payment of the Confederate States Tax.

Governor
authoriz'd
to borrow
money.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the Governor of the State be and he is hereby authorized to borrow on the credit of the State, a sum sufficient to pay the taxes assessed, or now in process of assessment, against the citizens of this State, under and by virtue of an act of the Congress of the Confederate States, entitled, an act to authorize the issue of Treasury notes, and to provide a war tax for their redemption, approved August 19th, 1861, and to apply the same to the payment of the said taxes, as provided in the twenty forth section of the said act ; the Governor is authorized to borrow the said sum in any funds receivable by the Confederate States in payment of said taxes.

Certifi-
cates of
stock.

SEC. 2. *Be it further enacted*, That the Treasurer, under the direction of the Governor, is hereby authorized to cause to be prepared certificates of stock, or bonds, none of them to be of a less

denomination than fifty dollars, for the amount to be borrowed as aforesaid, to be signed by the Treasurer and Auditor of Public Accounts, bearing interest at eight per cent. per annum, payable semi-annually, at the State Treasury and the principal to be paid at such time as the Governor may deem expedient, and the faith of the State of Mississippi is hereby pledged for the due payment of the principal and interest of the said certificates and bonds.

SEC. 3. *Be it further enacted*, That the said certificates and bonds shall be negotiable under such regulations as the Treasurer, with the approbation of the Governor, may establish, and they shall, after their maturity, be receivable in payment of any money due to the State, and any officer receiving any of them in payment of public dues shall endorse thereon the date of such receipt, and the amount of interest then due and sign his name thereto, and the interest shall cease from that date. Bonds negotiable.

SEC. 4. *Be it further enacted*, That the Auditor and Treasurer shall keep separate and full accounts of the number, date, and amount of the certificates, and bonds, by them respectively signed, and they shall keep similar accounts of all the said certificates and bonds redeemed, as the same shall be returned and cancelled, and the Governor shall report to the Legislature at its next session a statement in detail of his proceedings, and the rate at which the loans may have been made and all the expenses attending the same. Accounts how kept.

SEC. 5. *Be it further enacted*, That for the purpose of providing for the payment of the interest on the said loan it shall be the duty of the tax collectors of the several counties of this State, in every year commencing with the present fiscal year, to collect from every tax payer in his county, in the manner county taxes are required to be collected, an additional special State tax, to be called the "Loan Tax," of one fourth the amount of the regular State tax for the time being, and to pay the same into the State Treasury subject to the same laws, restrictions and penalties that apply to and regulate the collection and payment of other State taxes, and the amount of such special Duty of county tax collectors.

tax shall constitute a special fund for the payment of the interest of the loan authorized by this act, and shall be faithfully applied to that purpose until such loan shall be paid and satisfied, at which time the collection of the said tax shall cease.

Claims to
be applied
as taxes.

SEC. 6. *Be it further enacted*, That the Governor shall, as far as practicable procure the settlement and allowance of all claims of the State against the Confederate States, and he is hereby authorized to use and apply the amount thereof in the payment of the taxes assessed as aforesaid against the citizens of this State, and he shall only borrow, under this act, so much as may be necessary to pay the residue of the said taxes.

SEC. 7 *Be it further enacted*, That should the Governor be unable to obtain the full amount of funds necessary to enable him to pay said Confederate taxes by the 1st day of April, 1862, he is hereby required to forbid by proclamation, the collection of the tax imposed by this act.

SEC. 8. *Be it further enacted*, That this act shall take effect from and after its passage.

Approved December 20, 1861.

CHAPTER CXXIX.

AN ACT to amend an act entitled an act to incorporate the Town of Canton, and to repeal all former acts incorporating the same, and all acts amendatory thereof.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the 4th section of said charter be and the same is hereby amended by adding the following proviso, after the first clause of said section ; *Provided*, That no person shall be entitled to vote in any election pertaining to said corporation, unless his name shall have been registered with the Mayor, in a register to be kept among the books of the corporation for that purpose, with a declaration that such person is or intends to become from that time a permanent citizen of said corporation, subscribed by him ; which shall be done at least four months before the elec

Registry
of voters.

tion ; but this proviso shall not apply to those who have been, and now are resident citizens of the corporation, as to the next annual election in March next.

SEC. 2. *Be it further enacted*, That the 10th and 13th sections of said charter, and the 5th section of the act of 1860, chapter 394, amendatory thereof, be, and are hereby altered and amended as follows : That the Mayor shall hereafter be entitled to such fees, and charges for official acts as are allowed to Justices of the Peace by the laws of the State for like services, and no more ; and that the Marshal shall be entitled to such fees and charges as are allowed for such acts and like services to Constables by the laws of this State, and no more ; but the Marshal shall receive for his services as assessor and collector, a further sum not to exceed in any one year two and a half per centum upon the amount of the assessment, for his services in assessing, and two and a half per cent. upon the amount of taxes actually collected, for his services in collecting the same ; and in addition to these fees, the Mayor and Marshal shall each receive a salary per annum not exceeding the sum of one hundred dollars ; and the corporation shall not be responsible for any fees, costs or charges, of the Mayor or Marshal in any suit, prosecution or proceeding at the instance or on behalf of the corporation, which shall be dismissed, or decided against the corporation, or which shall in any other way fail, or when the money due the corporation shall fail to be made ; nor for any other charges, fees or costs against the corporation in behalf of the Mayor or Marshal.

Fees of
M a y o r
and Mar-
shal.

SEC. 3. *Be it further enacted*, That the 14th section of said charter be and the same is hereby amended so that the Mayor and Selectmen shall have no power to use or appropriate any of the money or funds of the corporation for any other purpose than to the proper and direct objects of the act of incorporation.

Amend
14th sec-
tion.

SEC. 4. *Be it further enacted*, That the 19th section of the charter be and the same is hereby so amended as to authorize the corporation to specify what persons shall be subject to patrol duty

Section
19th.

within its corporate limits, and what persons shall be exempt therefrom, whether subject to patrol duty or not under the general patrol law applicable to the Boards of Police.

Of city
officers.

SEC. 5. *Be it further enacted*, That the meetings of the Board shall be held in the room in the Court House used for the grand jury, and the Mayor shall hold his Courts and sittings in the Court room of the Court House unless when the Circuit Court shall have the same in use, at which time he shall hold his sittings in the grand jury room, but so as not to interfere with the grand jury.

Of com-
pensation.

SEC. 6. *Be it further enacted*, That the Mayor and Selectmen shall each be entitled to one dollar for attending each session of the Board; *Provided*, That neither the Mayor nor any Selectman shall be entitled to or receive more than six dollars per quarter for his quarterly compensation for attending said meetings.

Taxes
limited.

SEC. 7. *Be it further enacted*, That there shall be collected only one eighth of one per cent. upon the value, as now assessed, of the real and personal property within said corporate limits subject to taxation under the first clause of section 19th of the said charter and thesecond section of the aforesaid act of 1860; and that the collection of all unpaid taxes assessed for the current year be, and are hereby suspended until the first day of May next; and that hereafter the rate of taxes to be levied and collected from the property specified or referred to in this section shall not exceed the rate of one eighth of one per centum *ad valorem* thereof, and that all taxes of property shall be uniform upon its value; and no tax shall hereafter be laid upon any slave for labor on the streets, and that no specific tax upon any white person for such labor shall be laid to exceed two dollars for any one year upon each such white person.

SEC. 8. *Be it further enacted*, That the Mayor and Selectmen shall have no power to have the proceedings and minutes of their Board published in any newspaper or otherwise, at the expense of the corporation.

SEC. 9. *Be it further enacted*, That all persons

and provisions of the original charter, and amendments thereto, and of the ordinances of said corporation inconsistent with the above premises be, and are hereby repealed.

SEC. 10. *Be it further enacted*, That this act shall be in force from and after its passage.

Approved December 19, 1861.

CHAPTER CXXX.

AN ACT to legalize the Assessment of Taxes for the year 1861.

WHEREAS, by the existing law, Assessors of Taxes are required to deliver their assessment rolls to the Clerks of the Probate Courts of their respective counties, on or before the first day of October, and whereas, the Boards of Police are required to hold a meeting on the first Monday of November to examine and receive them, and to cause them, when approved, to be certified; and whereas, the Assessor and Boards of Police in many counties have failed to comply with said requisitions within the time limited by law, therefore,

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the Assessor of Taxes, Boards of Police and Clerks of Boards of Police shall be allowed to certify and return their assessment rolls to the Auditor of Public Accounts at any time before the first day of February, 1862, and that the assessment of taxes made and certified in pursuance of this act shall be deemed and held as valid and binding as if they had been made and certified according to the provisions of law heretofore existing; and upon filing their rolls so certified, the Auditor shall issue his warrant to said Assessors for the amount of their fees.

SEC. 2. *Be it further enacted*, That the provisions of this act shall only extend and apply to the assessment of taxes for the year 1861, and that this act shall take effect and be in force from and after its passage.

Approved, December 19, 1861.

CHAPTER CXXXI.

AN ACT to provide for Indexing the Papers in the Probate Offices of Lauderdale and Warren Counties and for other purposes.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the Board of Police of Lauderdale county be authorized to make an appropriation to the Clerk of the Probate Court of said county, for the purpose of buying an index book or books as may be necessary for indexing the papers in said Probate Office.

SEC. 2. *Be it further enacted*, That the Clerk of said Probate Court may proceed, under order of said Board of Police, to index and file the papers in said office, in proper form; and from time to time, hereafter, whenever necessary, such clerk shall continue to perform such services; and that the Board of Police of said county may make an appropriation to said clerk for services thus rendered, in filing and indexing said papers: *Provided*, said Board shall have power to order said work to be done or not, as in their discretion seem best.

Extended
to War-
ren Coun-
ty.

SEC. 3. *Be it further enacted*, That the provisions of this act be and the same are hereby extended to the County of Warren.

SEC. 4. *Be it further enacted*, That this act take effect and be in full force from and after its passage.

Approved, December 19, 1861.

CHAPTER CXXXII.

AN ACT to abolish the Military Board of this State.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That so much of an ordinance adopted by the State Convention on January the 23d, 1861, that constitutes a Military Board, defines its powers, and allows pay to the

members of said board, be and the same is hereby repealed.

SEC. 2. *Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved, December 20, 1861.

CHAPTER GXXXIII.

AN ACT to regulate the payment of certain Money into the State Treasury.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That when any taxes shall be paid to the Auditor in pursuance of the thirty-second article of the third chapter of the Revised Code, entitled "An act in relation to the public revenue," it shall be the duty of the Auditor, forthwith, to pay the same into the State Treasury, issuing his receipt warrant in the manner required by law, and he shall issue to the tax collectors, at the time they make their settlements, a warrant on the treasury for the amount of county taxes collected by him, which shall be drawn by the collector, or retained out of the money in his hands and to the State, and shall be paid by him to the Treasurer of the proper county.

SEC. 2. *Be it further enacted*, That it shall not be lawful for the Auditor of Public Accounts, Secretary of State, or Treasurer, to cash any warrants on the treasury, or any other claim or demand against the State, out of any money in his or their hands belonging to the State, but all such money shall be regularly paid into the treasury, in the manner prescribed by law; and shall be disbursed by the Treasurer upon warrants regularly issued, or otherwise as the law may direct.

SEC. 3. *Be it further enacted*, That the Auditor of Public Accounts, Secretary of State, and Treasurer, receiving any money which by law ought to be paid into the State Treasury, shall within one day, Sunday, excepted, after the receipt of such money, pay the same into the State Treasury in

Warrants
how cash-
ed.

Money to
be depos-
ited

pursuance of law, and shall not deposit the same with any other person or in any manner, use, employ or loan the same without express authority of law.

Penalty
for viola-
tion.

SEC. 4. *Be it further enacted*, That any person being Auditor of Public Accounts, Secretary of State, or Treasurer, who shall violate any of the provisions of this act shall be liable to indictment, and on conviction, shall be fined not exceeding five thousand dollars, nor imprisoned in the Penitentiary not exceeding five years, or both, and shall be removed from office: and that any person who shall commit any of the offences defined in the eighty-fifth article of the sixty-fourth chapter of the Revised Code, entitled "An act to provide for the punishment of crimes and misdemeanors," shall in addition to the punishment prescribed by said article, be removed from office.

SEC. 5. *Be it further enacted*, That this act shall take effect in ten days from and after its passage.

Approved, December 19, 1861.

CHAPTER CXXXIV.

AN ACT to prevent unreasonable speculation in certain commodities.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That if any person or persons shall buy, or shall combine or agree to buy, any stock, victuals, or any other commodity, in view of an existing scarcity of such article or commodity in the market, or with intent to produce such scarcity, or with intent to hold the same until such scarcity shall occur; so that by reason of such scarcity, a higher price may be obtained for such article or commodity, the person or persons so offending shall be liable to indictment, and on conviction, may be punished by fine not exceeding one thousand dollars, or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment; and by the word market, in this act, is meant not only places where

live stock, victuals, or commodities, are brought together for sale, but any place in town or country, where such things are produced, or sold, or wanted.

Approved, December 20, 1861.

CHAPTER CXXXV.

AN ACT to aid in arming and equipping the Cavalry Company of Capt. J. T. McBee

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi.* That the Governor of the State be and he is hereby authorized to cause to be issued to Capt. John T. McBee the sum of five thousand dollars, of the Treasury Notes authorized to be issued in the purchase of Arms and equipments of volunteers, authorized to be issued by the Convention, or any other moneys in the treasury not otherwise appropriated. *Provided*, that Capt. J. T. McBee shall give his bond to the Governor in the sum of twenty-five hundred dollars, conditioned for the faithful appropriation of the funds to the purpose contemplated by this act; *And provided also*, that the said McBee shall be authorized to apply for and receive the same, that he and his company of cavalry shall be mustered into the military service of the State or the Confederate States for at least twelve months.

SEC. 2. *Be it further enacted*, That the Auditor is hereby authorized and required to issue his warrant on the treasury in favor of said Capt. J. T. McBee, for the said sum of money, taking his receipt for the same, and the said J. T. McBee is hereby required to report to the Quarter Master General the manner in which said sum of money is expended, and shall return the arms purchased therewith to the State of Mississippi upon the expiration of his term of service.

SEC. 3. *Be it further enacted*, That this act shall be in force and take effect from and after its passage.

Approved, December 19, 1861.

CHAPTER CXXXVI.

AN ACT to suspend the collection of all taxes for the year 1862, upon lands heretofore purchased, or which may hereafter be purchased by the Levee Commissioners, or by the Treasurers of any special Levee Fund, in the Counties of Tunica, Coahoma, Bolivar, Washington, Issaquena, Tallahatchie, DeSoto, Sunflower, Panola, and Yazoo.

SEC. 1. *Be it enacted by the Legislature of the State of Mississippi*, That the collection of all State and County taxes which have heretofore been assessed, or which may hereafter be assessed upon any lands purchased by the levee commissioners, or by the special levee treasurer, in the counties of Tunica, Coahoma, Bolivar, Washington, Issaquena, Sunflower, Yazoo, Panola, Tallahatchie, and DeSoto, be and the same is hereby suspended until the meeting of the next regular session of the legislature, unless said lands are redeemed or purchased from said levee commissioners, or from said levee treasurer.

SEC. 2. *Be it further enacted*, That nothing in this act shall be construed so as to release said lands from tax, but the same shall be charged up, and property accounted for, with interest, by said levee commissioners.

SEC. 3. *Be it further enacted*, That the tax due and payable the present fiscal year only, be suspended by this act.

SEC. 4. *Be it further enacted*, That this act shall take effect and be in force from its passage.

Approved December 20, 1861.

CHAPTER CXXXVII.

AN ACT to incorporate the Bank of Jackson, and other Banks.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi,* That a Bank shall be established in the city of Jackson, and county of Hinds, the capital stock of which shall not exceed the sum of one million of dollars, to be divided into shares of one hundred dollars each; and for the purpose of receiving subscriptions for said stock, books shall be opened in said city, by five commissioners, to be appointed by the board of police of said county, under whose superintendence, or a majority of them, subscriptions to the capital stock may be made and received in the manner hereinafter prescribed. and said commissioners may appoint other persons to act as commissioners at other localities in the State, whose report of subscription lists shall be made to the said original commissioners, and be subject to their approval.

Capital
\$1,000,-
000.

Com mis
sioners,
how ap-
pointed.

SEC. 2. *Be it further enacted.* That each subscriber shall, for the amount of his, her or their subscription to said capital stock, be required to execute and deliver his, her or their note, with two or more good and sufficient sureties, which said sureties shall go before the judge of probate of the proper county, and each make oath before said judge, that he is worth, over and above all debts, claims, or liabilities against him, the amount of the said note upon which he is surety as aforesaid, and if both of said sureties on said note shall be approved as such by said judge of probate, such judge shall endorse on the affidavit made by said sureties his approval, and shall file said affidavit, so endorsed, in the probate clerk's office of his county, in the form following, to-wit:

Subscrib-
ers to give
note,
with sure-
ties.

Affidavit
approved
by Pro-
bate J'dge

§ I (or we) promise to pay to commissioners, or bearer, for and on account of the capital stock of the Bank of Jackson, the sum of , without interest, the same being amount of (my or our) subscription thereto. (Signed) &c. The said commissioners shall also

require the subscriber or subscribers to execute and deliver to them an instrument of conveyance in the form following, to-wit :

Form of
affidavit.

I (or we) do hereby grant, bargain, sell and deliver to _____ commissioners of the Bank of Jackson, _____ bales of good merchantable cotton, now in (my or our) possession at _____ in the county of _____ in the State of Mississippi, averaging not less than four hundred pounds per bale, and which at twenty-five dollars per bale, will produce the sum of _____ dollars, being the amount of (my or our) subscription note of this date, to the capital stock of the Bank of Jackson. And it is understood and agreed, that if upon a sale of said cotton there shall remain a surplus of the nett proceeds thereof, over and above the payment of (my or our) said subscription note, then such surplus shall be subject to (my or our) order in the hands of the factor selling said cotton, or be placed to (my or our) credit on the books of said bank at (my or ours) option ; it being further agreed that (I or we) shall have the privilege of designating the factor or factors who shall make said sale. Given under (my or our) hand and seal this the _____ day of _____, 186 _____. [SEAL.]

Cotton
free from
all liabilities.

At the same time it shall be the duty of said commissioners to require the subscriber to make his, her or their affidavit before any of said commissioners (who are hereby authorized to administer the same) or before some other person authorized by law to administer oaths, that he, she or they hold in his, her or their own absolute right and possession, not bound by any judgment, lien, or subject to any mortgage or deed of trust, the number of bales of cotton named in the instrument of transfer offered to commissioners, and that said bales of cotton, number and marks described, are of the weights and quality therein specified ; which affidavit, in writing, shall be filed, and supported by the testimony of at least one other credible witness.

If party proposing to subscribe, shall not be present, then the said note and the instrument of transfer may be duly authenticated, according to law, as in other cases of written documents, and

in all things the said applicant or applicants for stock in said bank, shall comply with the requisitions of this section, to the entire satisfaction of said commissioners, or they shall not accept his, her or their proposed subscription.

Parties
absent
may sub-
scribe.

SEC. 3. *Be it further enacted*, That so soon as one thousand shares, amounting to one hundred thousand dollars, of the capital stock of said bank, shall be subscribed for and secured, as hereinbefore directed, public notice thereof shall be given, by publication in some newspaper in said city and by posting at one or more public places, and a meeting of the subscribers shall thereby be called, to be held at least ten days after said notices are issued. If at this meeting those or their agents who have a majority of votes according to the rates hereinafter described be present, (if not another meeting shall be called,) they shall proceed to the election of seven directors who shall take charge of the books, notes, instruments of transfer, and other papers in the hands of the commissioners, and immediately pursue the usual means to put this bank in operation, and proceed to the performance of their duties under this charter. The said directors shall remain in office for one year, unless otherwise determined by the stockholders in general meeting, or until their successors are appointed, and shall choose one of their own number to be President of this Bank.

Public
notice to
be given
when
\$100,000
is subscrib-
ed.

Seven
Directors
to be e-
lected.

Term of
office.

SEC. 4. *Be it further enacted*, That when the conditions hereinbefore prescribed shall have been fulfilled, the said subscribers to the capital stock of said bank, their successors and assigns shall be and are hereby created a body politic in law and in fact, by the name and style of the "Bank of Jackson," and shall so continue until the first day of January, eighteen hundred and eighty-one, and by the name and style aforesaid: they shall be capable in law to have, purchase, possess and enjoy for themselves and their successors, lands, tenements, rents, goods, chattels and effects, and the same to grant, devise, alien and dispose of, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in courts of record, or in any place whatsoever; and also to

Charter to
continue
twenty
years.

Seal to be
used.

make and use a common seal, which they may alter at discretion ; and also to ordain, establish and put in execution such by-laws, ordinances and regulations as shall be necessary and convenient for the government of said corporation ; and generally to do and perform all acts, matters and things which a corporation and body politic, in law, may or can lawfully do, consistent with the purposes of its creation, and subject at all times to the rules, regulations, restrictions, checks and safeguards hereinafter prescribed and declared.

When
meeting of
stockhold-
ers cannot
be held.

aNo. of
quired to
one vote.

When
general
meeting of
stockhold-
ers shall
be held.

Salary of
the Presi-
dent and
cashier
by whom
fixed.

SEC. 5. *Be it further enacted*, That the following rules, regulations and provisions, shall form the fundamental articles of the constitution of this corporation: A meeting of the stockholders cannot be held, unless those who have a majority of the whole number of votes be present in person, and every act shall require a majority of the votes present ; every stockholder owning one share and not more than two, shall be entitled to one vote ; for every two shares above two and not exceeding ten, one vote ; for every three shares above ten and not exceeding thirty, one vote ; for every four shares above thirty and not exceeding sixty, one vote ; for every five shares above sixty and not exceeding one hundred, one vote, and for every ten shares above one hundred, one vote. After the first meeting, no share or shares shall confer a right to vote unless holden for three months prior to the day of voting. A general meeting of the stockholders shall be held at least once in each year, and at first meeting, the time for next annual meeting shall be appointed, and thereafter, at each annual meeting, the day for the next general meeting in the succeeding year shall be designated. The stockholders in general meeting shall fix and determine the salary of the President of the bank, and they shall fix the salaries of the cashier, and of such other subordinate officers as the board of directors may deem necessary to perform the business of the bank ; which cashier and other officers the directors shall elect, and may remove at pleasure. The cashier and other officers appointed by the directors shall give bonds, with two or more sureties each, in such sums as the directors may

name, with conditions of good behavior and the honest and faithful performance of duty. A number of stockholders, not less than ten, who together shall be owners of five hundred shares or upwards, shall have power at any time to call a general meeting of the stockholders concerning the affairs of the institution, by giving at least twenty days' notice in two newspapers specifying object of the meeting. The stock of said bank may be assigned and transferred according to the regulations and by laws for that purpose, except in the case of stockholders' indebtedness to the bank, as hereinafter provided against.

Notice of
meetings.

Stock
transfer-
able.

SEC. 6. *Be it further enacted,* That when the said commissioners shall have accepted the subscription note and instrument of transfer as hereinbefore directed, then in each case the absolute legal title to the cotton specified in such instrument of transfer, shall vest immediately in said commissioners, for the use and benefit of the capital stock of said bank; and by the act of delivery by said commissioners, of said papers, therewith connected, to the directors as provided for in the third section of this act, the right and title to said cotton shall vest absolutely in this bank, to the same extent and with all the legal effects, in every particular, as though said stock-note and instrument of transfer had been so executed and delivered in the first instance. The subscriber and stockholder shall in each case be bound to keep and preserve the said cotton at his or her own risk, or at the joint risk of themselves, if more than one person unite in the same subscription. It shall be the duty of the said commissioners, before the organization of the bank, and afterwards of the managers of the same, to forward to the Probate Clerks of the several counties wherein any of said cotton may be situated, stored and kept, a list containing the names of subscribers, the number of bales of cotton, and the marks thereof, and where located in the county of each clerk respectively, and thereupon the Probate Clerk shall copy the same upon his public records, when such recorded list shall be deemed to give such notice of the transfer of said cotton to said bank, that any person purchasing the same from the subscriber having it in his or her possession

When
title to
cotton is
vested in
bank.

Cotton at
risk of
subscriber

Lists to be
sent to
Probate
Clerks and
recorded

[Subscriber responsible for damages.

Penalty for attempting to remove fraudulently &c.

To replace cotton destroyed by fire.

shall obtain no title thereto ; and said bank shall be authorized to pursue and recover by law, the said cotton, or the price and value thereof, from any party who may have obtained, or in any manner, without the consent of the directors of the bank, have received the said cotton or any part thereof, from a subscriber, so having the same in possession. The said subscriber having any of said cotton in his or her charge and keeping, shall protect the same from injury or loss while in his or her possession, and shall be responsible in damages to full extent of its value at price named in said instrument of transfer, and all expenses, if said cotton or any part thereof, shall be injured or destroyed by exposure to weather or by fire, or by any other accident or cause while in his or her possession and care. If the said subscriber or subscribers, shall sell, dispose of, or remove, or conceal said cotton or any part thereof, or shall wrongly send, direct or ship by improper bill of lading, when ordered by the bank to send forward said cotton, or shall knowingly permit the same, or any part thereof, to be taken, removed, concealed, missent or miscarried, with the intent fraudulently to avoid the proper sale thereof by the directors of the bank, and to defeat or delay the prompt payment of his, her or their stock-note in bank, at such time as the directors thereof shall order the same to be paid through the sale of said cotton by him, her or them, transferred as aforesaid, to the bank ; then, and in that case, the said subscriber, or subscribers, shall be deemed guilty of felony, and on conviction thereof, shall be fined not less than one thousand nor more than five thousand dollars, and be imprisoned in the Penitentiary of the State, at the discretion of the court, not exceeding three years. In the event that the said cotton (or any part thereof,) transferred as aforesaid, be destroyed by fire or other casualties, while in the care and keeping of any of said subscribers, as above provided, then, and in that case, the said subscriber shall have the privilege, and it shall be his or her duty and obligation to replace said cotton or the cash value thereof in money, so destroyed with other cotton of equal weights and quality, to

vest in the bank, and be sold by it for the payment of the stock-note of such subscriber as hereinbefore provided.

SEC. 7. *Be it further enacted*, That all obligations, engagements, liabilities and penalties, hereinbefore, or to be hereinafter rendered binding and operative upon the said subscribers to the capital stock of this bank, shall be and the same are hereby declared to be, equally binding and operative upon the heirs, executors and administrators of said subscribers so far as the same can or may attach to, or take effect upon, said legal representatives of such subscribers.

Binding
upon heirs
&c.

SEC. 8. *Be it further enacted*, That after the present blockade of the ports of the Confederate States shall have been raised and removed, the directors of said bank may, and shall give notice to said subscribers to send forward the said cotton in their charge and keeping respectively, for the purpose of being sold for specie, to pay off and discharge said stock-notes. If any subscriber, or subscribers, shall fail to comply with such order of said directors, he, she or they shall pay to said bank, interest on his, her or their subscription note, by the way of damages, at the rate of twenty per cent. per annum, from and after the date of receipt of such order and non-compliance therewith, until said note shall be fully discharged, unless such failure be the result of the state of the waters, or of some other unavoidable cause. If, however, such subscriber or subscribers, refuse, decline, or wholly neglect to deliver or forward said cotton in strict obedience to the order and instructions of said bank directors, then, on proof of such wilful neglect and refusal, the said subscriber or subscribers, shall be held guilty of a misdemeanor, and may be indicted and punished by a fine not exceeding two thousand dollars, and be imprisoned in the county jail until said cotton be delivered according to the contract of subscription and the requisitions of this act; or until said note be paid in gold or silver coin with said damages, at rate of twenty per cent. interest superadded in either case.

After the
blockade,
cotton to
be sold.

Penalty
for refusing
to forward
cotton to
order.

It may be lawful, however, for any of said subscribers, by and with the consent of the president

Factor of the said bank, to change the factor or factors by
 may be him, he or them, first designated to sell said cotton.
 changed. But in every instance the cotton shall be shipped

Cotton must be shipped in the name of the bank. in the name of said bank, and be sold directly for,
 and on account of the bank, and if any of said
 subscribers shall draw, or attempt to draw, from
 the hands of the factor selling said cotton, or any
 portion of the proceeds thereof, without the con-
 sent or authority of said bank, then he, she or they
 shall be subject to all the fines and penalties pro-
 vided in the sixth section of this act, for the fraud-
 ulent selling, removing, concealing or the mis-di-
 recting or mis-sending of any of said cotton by any
 of said subscribers.

Bank may
 deal in
 drafts &c.

SEC. 9. *Be it further enacted*, That this corpo-
 ration shall be a bank of discount, deposit and cir-
 culation, but shall deal in nothing except bills of
 exchange, drafts, promissory notes, and other evi-
 dences of debt, in gold or silver bullion, or in pro-
 fits of its lands, or in mint certificates, and the cer-
 tificates of the public debt of the Confederate
 States or of this State. The said corporation, how-
 ever, shall purchase and hold only such lands ten-
 ements, rents and hereditaments as shall be required
 for the convenient transaction of its business, or as
 shall have been *bona fide* mortgaged to it by way
 of security, or conveyed to it in satisfaction of
 debts previously contracted in the course of its
 dealings, or purchased at sales upon judgments
 which shall have been obtained for such debts,
 provided that said bank shall not retain property
 so acquired for a longer period than five years.

Ten per
 cent to be
 charged.

SEC. 10. *Be it further enacted*, That said corpo-
 ration shall be authorised to take or receive interest
 or discount, on notes or bills of exchange, at the
 rate of ten per cent. per annum, until it shall have
 obtained the privilege of issuing its notes of cir-
 culation to the extent of two to one upon its capital
 stock, but thereafter the said rate shall not exceed
 eight per cent.

When
 placed un-
 der pro-
 test.

SEC. 11. *Be it further enacted*, That if any per-
 son or persons indebted to said bank, shall fail,
 neglect or refuse to make payment at maturity of
 such indebtedness, he, she or they may be placed
 under protest for the non-payment thereof, and if

such person or persons shall still neglect or refuse to discharge such indebtedness, then the said bank may bring suit against said delinquent, or delinquents, before any court having jurisdiction, for the recovery of the claim, and shall be entitled to judgment for amount due at first term of said court to which process shall be returned, and be entitled to collection of such indebtedness.

SEC. 12. *Be it further enacted*, That the directors of said bank shall be held and required to sell all said cotton transferred as aforesaid for the payment of said stock-notes, for specie only : and the said bank shall be required and compelled within twelve months after the removal of the blockade of our ports, to redeem all its notes of circulation presented, in gold and silver coin, provided the banks of New Orleans and Mobile shall have resumed specie payment by the said time.

Bank to
commence
specie
payment.

SEC. 13. *Be it further enacted*, That (except a receipt from the commissioners or cashier for stock-note,) no certificate of stock in said bank shall be issued to any subscriber or subscribers until his, her or their subscription note shall have been paid and discharged in specie, in whole or in part, and if by any mishap the nett proceeds of his her or their cotton, should not be sufficient to pay off his, her or their said note, then he, she or they shall be entitled to certificates of stock only so far as payment thereon shall have been made, and in that case, the balance due on such note shall remain a debt against such subscriber or subscribers, and shall operate as a lien, and have the effect of a special mortgage upon all his, her or their estate, real and personal, provided such note with the credits thereon be recorded in the office of the Probate Clerk of the proper county.

Certifi-
cates of
stock,
when is-
sued.

SEC. 14. *Be it further enacted*, That any subscriber or subscribers may at any time discharge his, her or their stock-note by payment of the amount in specie ; and any other person may become a stockholder in said bank, while any portien of its capital remains unappropriated, who shall pay for such stock in specie, or by subscription note and transfer of cotton as hereinbefore provided ; and it shall not be lawful for said directors or the

Directors
not to re-
fuse sub-
scriptions.

stockholders of said bank to refuse such subscriptions from proper persons, until the whole of its capital stock shall have been taken.

Amount
of circula-
tion.

SEC. 15. *Be it further enacted*, That this bank shall not issue its notes of circulation to a larger amount than one for one upon its capital stock subscribed as aforesaid, until it shall have commenced specie payments; but it may, and is hereby authorized, thereafter to issue its notes to the extent of two to one upon its capital stock which shall have been actually paid, in specie, as hereinbefore provided.

Stockhol-
ders liable
for double
the am't
of their
stock.

SEC. 16. *Be it further enacted*, That in case of the failure of the Bank hereby created, the individual stockholders, in their private property, shall be liable to the holders of its notes, in sums double the amount of stock by them respectively owned in said Bank; and judgment may be taken against such stockholders to that extent—which liability shall subsist against any stockholder selling his stock for the space of twelve months after such sale as well as against the purchaser and holder of the same.

Qualifica-
tions to be
director.

SEC. 17. *Be it further enacted*, That each director of this Bank shall be a citizen of this State, and shall own at least ten shares of stock in the Bank, and shall be responsible individually and in his private property, for agreeing to any over issue of the notes of the Bank, as the same is limited in the fifteenth section of this charter, to the full extent of such excess of issues, and shall also be liable for deficiency in capital, if he consent to any dividend larger than the amount of profits on hand, when such dividend shall be declared, and in addition to the forfeiture of his said stock, he may be held guilty of a misdemeanor, and on conviction, may be fined and imprisoned, at the discretion of the court.

Penalty
for over-is-
suing.

Record
book to be
kept.

To fix this responsibility the cashier of the Bank shall keep a book wherein he shall record the proceedings of the board of directors, the names of those present, the day and date of each meeting, and shall enter the votes of yeas and nays, when called for by any director: which book shall be evidence in courts of justice;—And when entering upon his office the said cashier shall take the fol-

lowing oath before some justice of the peace, by whom it shall be filed in the office of the probate clerk of the county : "I (A. B.,) cashier, do solemnly swear to keep a just and true record, without alterations or erasures, of the transactions of the board of directors of the 'Bank of Jackson,' in a book, to be by me kept for that purpose." No less than three directors, of whom the President shall be one, shall constitute a board for the transaction of business, except that if absent or sick, the president may nominate in writing any other director to supply his place.

Oath of
cashier.

Three di-
rectors to
constitute
a board.

SEC. 18. *Be it further enacted*, That it shall be the duty of the cashier of this Bank, as soon as may be after his appointment, to file a correct copy, verified on oath, of the stock book of said Bank, containing names, post office, and amount of stock of each stockholder in said bank in the office of the probate clerk of said county, where the same shall at all times be open to the inspection of the public; and in each subsequent year after the regular general annual meeting therein, the cashier shall be required to file in said Probate clerk's office, within twenty days, a corrected copy of said stock-book, noting all additions to or transfers of, the stock of said bank, with the dates, that may have occurred since the last previous filing of said copy which copy or certified transcripts thereof shall be evidence in the courts of this State.

List of
stockhold-
ers to be
filed in
clerk's
office.

SEC. 19. *Be it further enacted*, That said bank is hereby authorized to issue its notes or bills of such denomination, not less than one dollar, as to its directors may seem proper, for and during the present general suspension of specie payment; but so soon as this bank shall have commenced specie payments, as required by the twelfth (12th) section of this act, then and thereafter it shall not be lawful for this corporation to issue and put in circulation any of its notes or bills of a less denomination than five dollars, unless bills, or notes of less denomination than five dollars be allowed by law to circulate in this State; but no bank created under this act shall make any of its notes payable at any other place than at its own counter.

How long
one dollar
bills are to
be issued.

Notes,
where pay
able.

Cashier to endorse protested bills.

SEC. 20. *Be it further enacted*, That whenever any bill or bills, note or notes, the issues of this corporation, shall be presented at its counter for redemption, at a time when there shall be no authority of law for non-payment of specie by said bank, and the bank shall at such time, refuse or omit to redeem the same either in gold or silver coin, the president or cashier shall, at request of the holder, endorse on said bill or bills, note or notes, the word "*protested*," with the date of such presentation, and attach his signature; and all such bills or notes, so protested, shall draw twelve per cent. per annum interest from date of protest until paid or redeemed by said bank; and if such officer shall refuse to so endorse such unredeemed issues of the bank, as above provided, he and his sureties shall be liable to pay double the amount thereof, to be recovered by the holder, in any court of record, having competent jurisdiction.

Penalty for refusal to endorse.

SEC. 21. *Be it further enacted*, That this bank shall be taxed upon the largest amount of its bank notes which it shall have had in circulation at any one date or period, during the fiscal year, at the same rate as other loaned money is now, or may be hereafter taxed, under the laws of this State.

How taxed.

SEC. 22. *Be it further enacted*, That no loan shall be made to any stockholder of this bank on a pledge of his or her stock therein, but such stockholders shall be required to give security, as other persons may or shall be required to do when obtaining loans from the same. It shall not, however be lawful for any stockholder in this bank to sell, dispose of, assign or transfer his or her stock therein without the written consent of the Cashier so long as he or she shall be indebted as principal or endorser, or acceptor to the same, and if any party proposing to purchase any of said stock shall, personally or by agent, make inquiry of the President or Cashier of the bank touching indebtedness of the proposed seller of the stock in said bank, and be by such officer informed that said seller of stock is not indebted to said bank, when, in point of fact he or she is indebted to the same, then such president or cashier, and his sureties, shall be liable for the whole amount of such stock, or for

Stockholders to give security.

President and cashier liable.

the whole amount paid therefor if so sold or assigned, to be recovered at the suit of the party aggrieved, in any court of record having the competent jurisdiction. If any stockholder be indebted to said bank, as principal, indorser or acceptor, his or her said indebtedness shall be and operate as a lien upon his or her stock therein, and if he or she fail at maturity to pay such indebtedness, and shall remain under protest thereupon for the space of sixty days then it may and shall be lawful for the board of directors to sell said stock of such indebted stockholder, or so much thereof as may be necessary to discharge his or her debt, after public advertisement in some newspaper, and by notice posted at the door of the court house of said county, and at the door of said bank, for the space of thirty days; said public sale to be made at the door of the banking house of said corporation, for cash, and the proceeds to be applied to pay off said indebtedness to the bank, and surplus, if any, after the expenses of sale, shall be deposited to the credit of said stockholder.

Directors
to sell
stock.

Public ad-
verti s e -
ment to be
given.

SEC. 23. *Be it further enacted*, That no stockholder of the bank who is a director thereof, shall, at any one time, be indebted thereto in a sum larger than the amount of his stock therein; nor shall any other person whomsoever become indebted at any one time to said bank, either as principal, endorser or acceptor in a sum exceeding twenty thousand dollars; nor shall any person be allowed to obtain a new loan or accommodation from this bank while he or she is under protest therein, either as principal debtor, endorser or acceptor.

Limit of
indebted-
ness of
any one
person.

SEC. 24. *Be it further enacted*, That the Treasurer of this State be furnished once in six months with a statement verified by the oath of the president or cashier of the bank, showing on the first day of May, and the first day of November, the condition of its affairs, the amount of the capital stock of said bank; the debts due the same; moneys deposited therein, the amount of notes in circulation, and the cash in hand; and the treasurer shall have a right in person or through an agent, to inspect the general accounts on the books of the

When
S t a t e
Treasurer
to furnish
a state-
ment.

Where
published.

bank, in relation to said statement. The said statements shall be transmitted to the Treasurer as soon as may be, after the days above specified, and shall be published at expense of the bank, in that public journal in which the laws of the State are published by authority.

President
to make a
statement
to Govern-
or.

SEC. 25. *Be it further enacted*, That it shall be the duty of the president of this bank within the first two weeks in November in each year to transmit to the Governor, a statement on oath, showing in full the condition of the bank; exhibiting the amount of capital; notes in circulation; debts due to other banks and what banks; deposits; and all other particulars necessary to explain the debit side of the accounts; also the specie on hand; notes on other banks, and what banks; bills of exchange and drafts; debts or notes and bonds discounted, specifying public or government stocks, and the real estate held by said bank; which statement or statements of said President of the bank, the Governor shall transmit to the Legislature of the State, at any regular or called session of the same. The Governor shall also have power and authority, at any time, to cause an examination of the books of said bank to be made by some competent person, or persons, who shall, by him, be appointed for that purpose, and to report to him fully touching the condition of said bank, and their report to be made at least once in two years, he shall lay before the Legislature at its biennial sessions.

Governor
to appoint
persons to
examine
the books.

Penalty
for making
false re-
turn.

SEC. 26. *Be it further enacted*, That if any president, cashier, teller, clerk or other officer of the bank aforesaid, shall knowingly, and with intent to deceive, make, or cause to be made, or connive at making any false return, statement or exhibit of the condition of the bank, either to the Treasurer of the State or his agent, to the Governor, or any committee by him appointed, or to the Legislature, or a committee thereof, or to the board of directors, or to the stock holders thereof, or to any other person having authority to receive the same, such president, director, cashier, teller, clerk or other officer and all persons aiding and abetting in such deception, or false return, shall be liable to be indicted for a misdemeanor, in the circuit courts,

and, on conviction, shall be fined at the discretion of the court, and be imprisoned in the Penitentiary not more than ten nor less than five years.

SEC. 27. *Be it further enacted*, That if any president, director, cashier, teller, or other officer, agent or servant of the aforesaid bank, shall embezzle any of the funds belonging to said bank, with intent to defraud said corporation, or shall make false entries upon the books of said bank, with intent to defraud said corporation or any other person whatsoever; said officer, agent or servant, shall be held and deemed guilty of felony, and upon conviction thereof by due course of law, shall be punished by fine at the discretion of the court, and be imprisoned in the Penitentiary of the State not less than two nor more than five years.

Penalty
for mak-
ing false
entries.

SEC. 28. *Be it further enacted*, That all the provisions of this act, in every particular, shall be and are hereby applied to the several Banks, hereinafter named, to be established at the places hereinafter designated, except the capital stocks hereinafter specified, in as full and ample a manner, and with as complete effect in all respects, as if this act had been framed, with proper name and place, as a special charter for each one of the following banks respectively, to-wit:

A bank to be styled "The Bank of Natchez," to be established in the City of Natchez, and county of Adams, with a capital stock of one million of dollars.

A bank to be styled "The Bank of Vicksburg," to be established in the city of Vicksburg and county of Warren, with a capital stock of one million of dollars.

A bank to be styled "The Northern Bank of Mississippi," to be established in the city of Holly Springs, and county of Marshall, with a capital stock of five hundred thousand dollars.

Other
banks to
be estab-
lished.

A bank to be styled "The Bank of Aberdeen," to be established in the city of Aberdeen, and county of Monroe, with a capital stock of five hundred thousand dollars.

A bank to be styled "The Bank of Grenada," to be established in the city of Grenada and county of

Yallobusha, with a capital stock of five hundred thousand dollars.

A bank to be styled "The Band of Enterprise," to be established in the city of Enterprise and county of Clark, with a capital stock of five hundred thousand dollars.

A bank to be styled "The Bank of Yazoo City," to be established in Yazoo City, county of Yazoo, with a capital stock of five hundred thousand dollars.

A bank to be styled the "Cotton Planters' Bank," to be established in the city of Columbus, and county of Lowndes, with a capital stock of five hundred thousand dollars.

SEC. 29. *Be it further enacted*, That a bank with a capital stock of three hundred thousand dollars, to be called the "Bank of Brookhaven," may be established, organized, and conducted in the town of Brookhaven, in the county of Lawrence, upon the same plan hereinbefore prescribed for the Bank of Jackson.

SEC. 30. *Be it further enacted*, That the Bank of Enterprise hereby incorporated shall have a capital stock of five hundred thousand dollars, and whenever one thousand shares, amounting to one hundred thousand dollars, of the capital stock of said Bank, shall be subscribed for and secured, as hereinbefore directed, a meeting of the stockholders as herein directed shall be held, and said bank put into operation. And any stockholder in said bank, who is a citizen of this State, shall be eligible to the office of Director therein, without regard to the number of shares he holds. And in all other respects whatsoever, the provisions of this act shall extend to the said Bank of Enterprise.

SEC. 31. *Be it further enacted*, That the said banks hereby incorporated shall accept in payment of all dues to said banks or either or any of them, all treasury notes issued by virtue of or under any law of this State heretofore passed or which may pass during the present session of the Legislature, and may pay out the same in discharge of their liabilities. A refusal on the part of said banks, or any or either of them, so as to receive the said Treasury notes, shall amount to and constitute a forfei

ture of charter, which may be declared in any direct proceeding for that purpose, instituted in the name of the State of Mississippi at the relation of any person in any court having jurisdiction thereof. Should the charter or charters of any bank or banks hereby incorporated, be declared forfeited in any such proceeding, the Judge, Chancellor or Court before whom said suit or suits may be pending, shall immediately appoint a trustee or trustees to take charge and possession of all the property, effects and assets of such bank or banks, for the purpose of winding up the affairs of the same; under such rules and regulations as said Judge, Chancellor or Court, may adopt; *Provided*, That this section shall not apply to the payment by the stockholders of their subscription to the capital stock of said banks.

SEC. 32 *Be it further enacted*, That the issues of the banks prepared to be created by this act shall be received in payment of State, County and Municipal taxes, until the Legislature shall otherwise provide by law. Notes received for taxes.

SEC. 33. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

Approved. January 17, 1862.

CHAPTER CXXXVIII.

AN ACT to provide against the application of any law suspending or postponing the collection of any general or special tax whatever, in this State to the Military tax imposed by the ordinance of the recent sovereign Convention, entitled an ordinance to raise means for the defense of the State, adopted January 26th, 1861.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That it shall be lawful for the Sheriffs and Tax Collectors of the several counties of this State to collect the State and County taxes for the year 1861, in the current notes of the four following banks located in the State of Tennessee: The Union Bank, the Planters' Bank, the Bank of Tennessee and the Bank of Memphis, and

the current bank notes of banks of the State of Alabama and the current bank notes of the State of Louisiana, located in New Orleans, *Provided* nothing in this act shall authorize the Sheriffs or Tax Collectors of this State to receive any thing in payment of the military tax, authorized by the ordinance of the State Convention, except gold or silver, or the treasury notes issued by order of the said Convention, payable 1st day of June, 1862.

SEC. 2. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

Approved, January 28, 1862.

CHAPTER CXXXIX.

AN ACT to authorize the Tax Collector to receive certain Bank Notes in payment of the State and County Taxes for the year 1861.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That no law suspending or extending the time for the collection of any general State or County tax, or of any Corporation levee or other special tax whatsoever in this State, or postponing the time for proceeding to collect the same, shall be so construed as to be applied in any wise whatsoever to the time and manner of collecting the military tax imposed by the ordinance of the recent State Convention, entitled an ordinance to raise means for the defense of the State, adopted January 26, 1861; and it shall be the duty of all the collecting, receiving and disbursing officers of this State to collect, receive and disburse the proceeds of said military tax in strict and faithful compliance with the terms and requisitions of said ordinance.

SEC. 2. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

Approved, January 28, 1862.

CHAPTER OXL.

AN ACT to revise and reduce into one the Militia and Volunteer laws of this State.

SEC. 1. *Be it enacted by the Legislature of the State of Mississippi,* That the Governor shall order an election for one Major-General, and four Brigadier-Generals of the Militia of this State, as soon as possible after the passage of this act: said election shall be held by the sheriffs of the respective counties in the same manner as elections for civil officers are now held. All persons subject to perform military duty under this act shall be entitled to vote. A plurality of votes shall be sufficient to elect. Returns of said election shall be made to the Governor, by whom the persons elected shall be commissioned. Said returns shall then be deposited by the Governor, in the office of Adjutant-General. Said officers shall hold their office until the day of the next general election for State officers, and until their successors are commissioned. An election shall again be held for said officers on the day of the next general election for State officers, and biennially thereafter; but the persons so elected shall hold their offices until their successors are commissioned. Any vacancy occurring in either of said offices shall be filled by the appointment of the Governor, and the person so appointed shall hold his office until the next general election, and until his successor is commissioned. Any person appointed to fill a vacancy or commissioned upon an election, subsequent to the first, shall take rank according to priority of commission: *Provided,* That each Brigade Division, as now formed by the Convention of the State, be qualified to elect a Brigadier-General for each Brigade, and the electors at large a Major-General.

Major-General and Brigadier-Generals to be electd.

Vacancies how filled.

SEC. 2. *Be it further enacted,* That each of said Brigadier-Generals shall appoint a day in each county of his district, commanding a general muster of all persons in said county liable to do military duty under this act; and the enrollers

General muster.

Company
officers to
be elect'd.

Regiment's
to be
formed
and offi-
cers elect-
ed.

Persons
liable to
fine.

hereinafter appointed, shall deliver to the said Brigadier-General the lists of all persons so enrolled. At the said general muster, the Brigadier-General, with the assistance of such person or persons as he may appoint, shall proceed to form the said militia into companies of not less than forty-eight, nor more than one hundred. A list of the persons composing each company shall then be made out in writing, and the said Brigadier shall then and there order an election to be held for officers of the respective companies, by such persons as he may appoint, who shall make to him returns of said election as soon as held. Said returns shall be transmitted to the Governor, who shall commission the persons elected, and deposit said returns in the office of the Adjutant-General. Immediately after the organization of the said companies, and before the issuance of said commissions, the Brigadier-General shall instantly proceed to form the said companies into regiments, each regiment to contain not less than eight, nor more than ten companies. The companies composing each regiment shall be numbered A, B, C, and so on, and shall be entered on a list containing an enumeration of the same. When said regiment shall be organized, the said Brigadier shall immediately order an election for a Colonel, Lieutenant-Colonel, and a Major for each regiment, and shall appoint the persons who shall hold the same. Said persons shall make returns of said elections to the Brigadier, who shall transmit the same to the Governor, who shall issue the proper commissions, and deposit said returns in the office of the Adjutant-General. A majority of all the votes given shall be necessary to elect any company or regimental officer. Upon failure to elect, in consequence of no person obtaining a majority of all the votes cast, another election or elections shall instantly be ordered, until a choice is secured. In case of a tie, the choice shall be determined by lot, drawn under the direction of the Brigadier-General. Any person enrolled, who shall not answer to his name when called, shall be fined the sum of five dollars: any person not enrolled, who shall have had notice of said enroll-

ment, or of the day of said general muster, and shall not present himself to the Brigadier or enroller for enrollment, shall be fined five dollars. Should there be in any county, persons liable to do militia duty under this act, more than sufficient to form one or more companies, the said Brigadier-General may dispose of them in his discretion. Should there be in any county more companies than are required to form one or more regiments, the said Brigadier-General may form them into battalions without reference to the number of companies, and order an election for officers, as in other cases. The said Brigadier-General shall continue his organization of the militia as above provided, from day to day, until the same is completed. Said company and regimental officers first elected, shall hold their offices until the next general election in this State, and until their successors are commissioned. Elections for said officers shall be held at the next general election, and biennially thereafter; and the persons so elected, shall hold their offices until their successors are elected. Any vacancy occurring in company officers shall be filled by an election to be held by the Colonel or other commanding officer of the regiment, to whom the return shall be made, and commissions obtained as in other cases. Any vacancy occurring in regimental officers shall be filled by an election ordered by the Brigadier-General of the district within which said regiment is included, to whom the returns shall be made, and commissions obtained as in other cases. Persons elected to fill such vacancies, shall hold their offices until the next general election, and until their successors are commissioned. Any officer authorized to order any election of any military officer, except the election of Major and Brigadier-General, under this act, shall appoint the necessary returning officers, inspectors and clerks, who shall be required to serve without pay; and if any person so appointed shall wilfully refuse to serve, he shall be liable to indictment, and on conviction shall be fined not exceeding one hundred dollars, or imprisoned not exceeding six months, or by both such fine and imprisonment; and it shall be the duty

Vacancies.

Clerks
refusing to
serve.

of the officer ordering such elections to report such failure to the grand jury of the proper county.

Powers of Major-General. SEC. 3. *Be it further enacted,* That the said Major-General shall have power to make rules and regulations in regard to the resignations of officers, the numbering of the different battalions, regiments and brigades, and to define the duties of non-commissioned officers.

Enrollers appointed and how paid. SEC. 4. *Be it further enacted,* That it shall be the duty of the Brigadier-Generals to appoint two or more persons from each police district, in each county, of their respective districts, whose duty it shall be to enroll every free white male citizen or resident alien, over the age of eighteen, and under fifty, and make report thereof to the said Brigadier-Generals, within such time as said Brigadier-Generals may appoint. Persons may be allowed the sum of two dollars per day for each day so employed, not to exceed five days in any case. Said money shall be paid out of the treasury of the State, upon the order of the Brigadier-General, presented to the auditor. Said Brigadier-General may remove any person so appointed, and appoint others, and may refuse to draw his order in favor of such persons, if he believes they have not faithfully discharged their duties. Any person so appointed who shall fail faithfully to perform the duties here required of him, shall be liable to indictment, and on conviction, shall be fined in a sum not less than one hundred dollars.

Draft, when to be order'd SEC. 5. *Be it further enacted,* That, whenever the President of the Confederate States shall call on the State of Mississippi for troops, or when the public safety may require, and the requisite number of volunteers do not respond to such call, the Governor shall order a draft from the militia therefor, under the following regulations and restrictions: He shall direct the several commanders of companies to assemble their respective commands, and to prepare a number of tickets equal to the number of men in such company, which tickets shall be numbered and placed in a hat or box, and well shaken together; the company roll shall then be called, and each member, when his name is called, shall proceed to draw from the hat or box, and the

number of the ticket thus drawn shall be placed opposite his name, and so on throughout the company, till the tickets all be drawn. And when such call is completed, the lowest numbers, commencing at one, two, three, and so on, and continuing up to the number required of such company, shall constitute the draft: *Provided* that any person so drafted, may offer a substitute, at or after the time for the rendezvous, such substitute to be an able-bodied man, and shall consent in writing, to subject himself to all the duties, fines, forfeitures, and punishments to which his principal would have been subject, had he personally served; *And provided further*, that one of the officers shall draw for every person subject to draft who shall refuse to draw, or be absent from the parade, and such draft shall have the like effect, as if the person refusing or absent, had drawn for himself. Any able-bodied, free, male citizen or resident alien, of the age of fifty years or upwards, who may desire to be enrolled in the militia, shall be permitted to do so, upon proper application to the proper officers. Any person liable to military duty under the provisions of this act, who shall produce a certificate of his inability to perform such duty from some apparently permanent cause, attested by a practising physician, and approved by the surgeon of the regiment after one shall be appointed, shall be excused from said duty or service. Persons liable to perform military duty, moving into a captain's beat, and those arriving at the age of eighteen years, after the first enrollment, shall report themselves for enrollment to the commanding officers of the company, and on failure to have themselves enrolled, shall be fined five dollars, when the fact be brought to the knowledge of said commanding officers, who shall then enroll such party, who shall, in all respects be answerable to the provisions of this act. Notice to a person to attend any company, battalion, or regimental drill shall be sufficient notice to such person of his enrollment.

Who to
be drafted

Substi-
tutes.

Persons to
report
them-
selves for
rollment.

SEC. 6. *Be it further enacted*, That every sergeant, corporal and private shall appear at any company, battalion or regimental drill, or call into service, with the best gun of which he is owner, or

Guns to
be in good
order.

Fines and
how col-
lected.

of which he is in possession, together with such military accoutrements as he may own or possess. Every person enrolled is hereby required to appear at every drill or other service with a gun, and to keep his gun in good order and repair for immediate use, and the same shall be subject to the inspection of the commanding officer, or other officer appointed by him for that purpose. Any person presenting himself at any drill, or for service without a gun, or whose gun is not in good condition and repair, shall be summoned to appear before a court martial, to be held immediately after such drill, or other time in the discretion of the commanding officer, to be composed of the commanding officer and lieutenants of said company, or a majority of them, to answer such default. On failure to excuse, a fine of five dollars shall be imposed upon said delinquent, for which a judgment may be rendered, and an execution issued thereon, against said party, which shall be directed to, and collected by the orderly sergeant, in the same manner as executions are now required to be collected by sheriffs in civil cases. Said orderly shall make his return thereon, to the commanding officers; and all fines collected shall be expended under the direction of the commanding officer, for the benefit of the company. A record shall be kept by the commander, of all proceedings had in reference to the matters contained in this clause of this section; this clause shall not conflict with chapters nine and ten, of the act to regulate the militia of this State, incorporated in this act, in relation to courts-martial, and the collection and appropriation of fines, but shall be an addition thereto, and applicable to the special matters in this clause contained.

When to
drill.

SEC. 7. *Be it further enacted*, That it shall be the duty of the commanding officers of the militia companies to assemble the same for parade and drill on every other Saturday, beginning at eleven o'clock, A. M., and continuing for at least three hours; and a battalion drill shall be had once in every eight weeks, beginning at 11 o'clock, A. M., and continuing at least four hours; *Provided*, that where there are not men enough in the county to form more than one company, said company shall

be exempt from battalion or regimental parades.

SEC. 8. *Be it further enacted*, That any private, corporal or sergeant, not appearing at a company, battalion or regimental drill, shall be fined not exceeding three dollars, unless excused. Fines.

SEC. 9. *Be it further enacted*, That any private, sergeant or corporal, who shall appear at any battalion or regimental drill without a gun, or who shall appear with a gun not in good order and repair, for immediate use, shall be subject to the examination by the commander of said battalion or regiment, and subject to the same penalty to be determined in the same manner as provided for in the sixth section of this act, in relation to company drills. The collection and appropriation of fines as adjudged, to be collected and appropriated under the general provisions in relation to regimental courts-martial, the court martial to be held immediately after the drill, as provided in the sixth section, shall consist of a commander of the battalion or regiment, and such other officers then present as he may determine. Penalty for guns not in good order
Court-martial to consist of.

SEC. 10. *Be it further enacted*, That upon a call into active service of the militia, the same shall be conducted by and under the command of the then commanding officer, and of the companies, at least one lieutenant to the respective places at which the said militia may be required to rendezvous. Upon reaching their destination, the militia shall be organized into companies, battalions, regiments, and brigades, by a Brigadier-General, assisted by such persons as he may appoint, and shall proceed to the election of the proper officers as herein provided in regard to this first organization of the militia; said officers shall be commissioned as in other cases. Should any commissioned officer be included within any call into active service, or should any such officer volunteer to join any such active service, the vacancy thereby occasioned shall be filled, and the person elected or appointed, hold his office as in other cases of vacancy. All companies, battalions, regiments and brigades, shall retain their organization after any such call, in the same manner as if said call had not been Militia to be organized.

made, except as herein provided, in relation to the appointment or election of officers.

**Appoint-
ment and
rank of
officers.** SEC. 11. *Be it further enacted*, That the officers of the militia, subordinate to the Commander-in-chief, in addition to the said Major-General, and four Brigadier-Generals, shall be as follows: The staff of the Commander-in-chief to be appointed by himself, to consist of one Adjutant-General, with the rank of Colonel, one Chief of Ordnance, with the rank of Colonel, one Quarter-master-general, with the rank of Colonel, and one Aid-de-camp, with the rank of Colonel. To each regiment there shall be one Colonel, one Lieutenant-Colonel, and one Major, with a staff, to consist of one Adjutant, one Quarter-Master-General, one Surgeon, and one Judge Advocate, each with the rank of Captain; also, one Sergeant-Major, one Drum-Major, one Fife-Major, and a Chaplain. The said staff officers shall be appointed by the colonels of the regiments.

**Brigade
and Regi-
mental
Staff offi-
cers.** SEC. 12. *Be it further enacted*, The Brigade staff, consisting of one Brigade-Inspector, one Brigade Judge Advocate, one Quarter-Master, with the rank of Major, and one Aid-de-Camp, with the rank of Lieutenant, shall be appointed by the several Brigadier Generals. The Regimental Staff, consisting of one Adjutant, one Quarter-Master, with the rank of Captain, one Surgeon, one Judge Advocate, one Sergeant-Major, one Drum-Major, one Fife-Major, and one Chaplain for each regiment, shall be appointed by the several colonels. All Staff officers who may be appointed, shall hold their respective offices during the continuance of the officer from whom they received their appointment, unless such officer shall sooner vacate such appointment. Every commissioned officer, **Oath:** before he enters on the duty of his office, shall take the oath prescribed in the Constitution of the State, before some judge of a court of record, justice of the peace, some general or field officer, who has previously taken it himself, and who shall then be authorized to administer the same: a certificate shall be endorsed on the back of the commission, but no pay or fee shall be given or received for administering any such oath or endorsement of

certificate. The commanding officer of each company shall appoint, by warrant, under his hand and seal, five sergeants, four corporals, one drummer and one fifer, who shall serve for two years from date of their appointments, unless vacated by promotion or draft, into actual service, or volunteering into the service of the State or Confederate States.

Company
officers.

SEC. 13. *Be it further enacted*, That every officer who shall remove out of the bounds of his command without tendering his resignation, and every officer who shall be absent from his command three months, without leave of his immediate commanding officer, shall thereby vacate his office, and shall be liable to an indictment therefor in the Circuit Court of the county of his residence; and upon conviction shall be fined not more than one hundred dollars. An election shall immediately be ordered to fill any vacancy thus occurring.

Penalty
for being
absent.

SEC. 14. *Be it further enacted*, That it shall be the duty of the Major-General to report to the Commander-in-Chief, whenever required, the number and condition of the militia and volunteer forces of the State, to arrest any Brigadier General against whom charges may be exhibited, and order a Court Martial for his trial; to review the volunteer and militia forces of the State at such times and places as he shall appoint, not less than twice in each year; to obey all orders given him by the Commander-in-Chief; and promptly and energetically to do and perform every act which shall in any way conduce to the immediate and complete organization, training and effectiveness of all the volunteer and militia forces of the State here placed under his general command. Upon his failure thus to perform the duties he assumes to discharge, he shall be liable to arrest by the Governor, and trial for his neglect by a Court-Martial specially organized by the Commander-in-Chief, and upon conviction shall forfeit his office, which said forfeiture the Governor, by proclamation, shall declare.

Duties of
Major General.

SEC. 15. *Be it further enacted*, That the Adjutant-General shall receive for his services one thousand five hundred dollars a year.

Salary of
Adjutant
General.

SEC. 16. *Be it further enacted*, That the Quarter-Master-General, who shall also act as Commissary and Pay-Master General, and perform such other duties as may be required of him by the Governor, shall receive for his services fifteen hundred dollars a year. The Quarter-Master is authorized to employ a Clerk in his department, if the services of such Clerk be demanded by the public interest, who shall receive not exceeding the sum of one thousand dollars a year, and in that proportion for such time as he may be employed.

SEC. 17. *Be it further enacted*, That all commissioned and staff officers of brigades, for failure to comply with the provisions of this act, shall be fined not exceeding one hundred dollars; Colonels, Lieutenant-Colonels, Majors and Staff officers of the Conolel, for failure so to comply, shall be fined not exceeding seventy-five dollars; Captains and Lieutenants, for failure so to comply, shall be fined not exceeding fifty dollars; Orderly Sergeants for failure to discharge their duties as by this act required, shall be fined not exceeding twenty-five dollars.

SEC. 18. *Be it further enacted*, That the volunteer companies may be formed to consist of not less than sixty-four nor more than one hundred men, and to assume such name as they may select; said companies shall be entitled to elect their Captains Lieutenants, and the names of the persons so selected, together with the list of the members of such companies shall be returned to the office of the Adjutant-General, and on receipt thereof, the officers so elected shall be commissioned by the Governor. Said company or companies, when so organized, shall be considered as thereby mustered into the service of the State of Mississippi, and shall be enrolled in the office of the Adjutant-General, in the order in which they are received.—

Said company or companies, when so organized and enrolled, shall also be subject to be transferred by the Governor to the service of the Confederate States, for a term not longer than twelve months from the date of the said transfer, unless said company consents to a transfer for a longer time. The election of said officers may be held by any com-

Salary of
Quarter
Master.

Fines.

Companies
to consist
of.

When
mustered
in.

Transfer-
able.

election.

missioned officer of the militia of the county in which said company is organized, and the return of said election, and list of said company shall be returned by him, with his certificate appended thereto.

SEC. 19. *Be it further enacted*, That all volunteer companies, formed and enrolled under the foregoing section shall be entitled to adopt a constitution and by-laws for their own government, and shall be exempted from military duty prescribed by this act.

Volunteers exempt.

SEC. 20. *Be it further enacted*. That when a demand shall be made for troops by the President of the Confederate States, or other competent authority, upon the Governor of the State, the Governor shall order into the service of the Confederate States as many of the said volunteer companies or regiments as may be necessary to comply with the said requisition. Should any requisition not be met by the volunteer companies so enrolled as aforesaid, the Governor is hereby authorized to transfer the number of troops necessary to complete the same from the different counties of the State in proportion to the number of their enrolled militia and volunteers, as provided in fifth section.

Troops for Confederate States.

SEC. 21. *Be it further enacted*. That the Major-General shall form the volunteer companies that may be enrolled in the office of the Adjutant-General, into such battalions, regiments, or brigade districts as he may deem advisable. When the number of enrolled companies required to form a regiment, shall exist in a regimental district, the Brigadier-General commanding shall order an election of field officers for such regiment, and shall prescribe the time and place for holding the same. Said election shall be by ballot, and a majority of all the votes cast shall be necessary to a choice.—The Brigadier General shall transmit to the Adjutant General the returns of said election, and thereupon commissions shall be issued by the Governor.

Battalions regiments and brigades to be formed.

Officers elected.

SEC. 22. *Be it further enacted*, That the only exemption from military duty, excepting those who may present a certificate as defined in the provisions of this act, shall be members of the Legislature,

Persons exempt.

Treasurer, Secretary of State, Auditor, Attorney General, Judge of the High Court of Errors and Appeals, and Clerk of the same; Judges and clerks of Circuit Courts; Probate Judges, clerk of Probates, Boards of Police, sheriffs and Assessors, Telegraph Operators, Railroad Agents and operators, and those exempted by the Confederate laws.

Sections 9
and 10
Revised
Code.

SEC. 23. *Be it further enacted*, That sections nine and ten, of chapter thirty-four, of the Revised Code, defining the organization powers and duties of Courts Martial, are hereby declared to be a part of this act, and all fines imposed thereby shall be collected and appropriated as therein prescribed. Should any warrant issued to collect the same be returned "*nulla bona*," the proper Court Martial may impose such military discipline upon said defaulter as in their discretion may be deemed reasonable and proper.

Acts re-
pealed.

SEC. 24. *Be it further enacted*, That all other acts and parts of acts in relation to the volunteer and militia system of this State are hereby repealed; and, also, an ordinance to "regulate the military system of the State of Mississippi," adopted January 23d 1861, is hereby repealed; and this act, with said sections nine and ten, of chapter 31st of the Revised Code, shall constitute the entire laws in relation to the military system of the State of Mississippi.

Pay.

SEC. 25. *Be it further enacted*, That the same pay be allowed all officers and soldiers ordered into active service under the provisions of this act as is allowed by the Confederate Government.

No. copies
printed.

SEC. 26. *Be it further enacted*, That the Governor is hereby required to have one thousand copies of this act, together with said sections nine and ten of chapters thirty-four of the Revised Code, printed in pamphlet form, and distributed to the various military officers of the State.

SEC. 10. *Be it further enacted*, That this act shall take effect and be in force from its passage.

Approved January 24, 1862.

SECTIONS IX AND X OF THE REVISED
CODE, REFERRED TO IN SECTION
TWENTY-THREE OF THE FOREGOING
LAW.

SECTION IX.

Of Courts-Martial and Courts of Inquiry.

1. OF COMPANY COURTS-MARTIAL.

ART. 118. Company courts-martial are detailed by the captain of each company, on the first Saturday of May in each and every year, and shall consist of the commanding officer thereof, as president, and his subalterns; and if it shall at any time happen that any company be deficient in commissioned officers, one or more non-commissioned officers shall be detailed upon such court, so that each court shall be composed of three members. Company
courts-
martial.

ART. 119. No member of a company court-martial shall be challenged on account of his having reported the delinquency of any person on trial, when by law it was his duty to do so; but every such member, notwithstanding such report, shall be deemed competent. Members
when not
challeng'd

ART. 120. If the members of such court shall fail to convene on the day appointed, the court shall stand adjourned until the next day, when, if the court be not formed, it shall stand adjourned without day; and all cases of delinquency shall stand continued to the next court. Court
when ad-
journd.

ART. 121. The president and members of the court, before they shall enter upon their duties as such, shall take an oath, one to the other, to render impartial justice to all, according to law, and to the best of their knowledge. Oath of
members.

ART. 122. Every such court when organized, shall have jurisdiction of all delinquencies, failures and neglects of non-commissioned officers, musicians and privates, of the company for which the same shall have been detailed. Jurisdic-
tion.

Cases taken up in order. ART. 123. The court shall take up the cases to be tried, in the order in which they stand upon the report; and if the delinquent, having been duly served with a notice, does not appear, or render a sufficient excuse by affidavit, judgment shall forthwith be entered against him for the proper fine.

Fine, when remitted. ART. 124. Every such court-martial may mitigate, or wholly remit, any penalty or fine, directed to be imposed for any deficiency in arms, or equipments, of any delinquent whom the court shall judge so poor as not to be able to furnish himself with such arms or equipments; and such court may mitigate or remit any fine against a delinquent, on a sufficient excuse being shown by affidavit in writing.

Appeal to regimental court. ART. 125. From the sentence of any such court, every person thinking himself aggrieved, may appeal to the regimental court-martial, by filing his petition in writing, with the president thereof, praying such appeal, within ten days after the rendition thereof.

Petition to be transmitted. ART. 126. It shall be the duty of any such president, to endorse upon such petition, the date of the filing thereof, and transmit the same to the commanding officer of the regiment, and no petition filed otherwise than is herein directed, shall be deemed an appeal.

2. OF REGIMENTAL COURTS-MARTIAL.

Regimental courts-martial. ART. 127. Regimental courts-martial are detailed twice in each year, by the colonel of the regiment, at such times and places as he shall direct, and shall consist of the colonel or commanding officer thereof, as president, the lieutenant-colonel, and the major, and four of the senior captains; of in the absence or inability to serve of either or these, of the seven officers highest in rank of the regiment, any five of whom shall constitute a court.

Oath of members. ART. 128. Every member of such court, before he shall enter on his duties as such, shall take before the regimental judge-advocate, the following oath, "I do swear or affirm, that I will well and truly try, and determine according to evidence, all matters between the State of Mississippi and any

person or persons, which shall come before a regimental court-martial, of which I have been appointed a member."

ART. 129. Such court-martial when duly organized, shall have jurisdiction of all appeals from company courts-martial, and of the assessments of fines upon captains, lieutenants, and staff officers of the regiment.

Jurisdiction.

ART. 130. The returns of the proper officers, made in pursuance of this act, shall be received by such court as evidence, together with such affidavits, as may be presented, touching the material matters in question.

Returns of officers, good evidence.

ART. 131. In all cases of appeals, the burden of proof shall be upon the appellant; and the decision of the court shall be final thereon; in all other cases, an appeal may be taken from the sentence of this court to the brigade court-martial, in the same manner, as is prescribed in appeals from a company court-martial.

Appeals to brigade court.

3. OF BRIGADE COURTS-MARTIAL.

ART. 132. A brigade court-martial shall be detailed annually, in each brigade, to convene at such time and place, as the brigadier-general shall direct, and shall consist of the brigadier-general and six commissioned officers of the line, two of whom at least, shall be of the rank of colonel, and none below the rank of captain, any five of whom shall be sufficient to constitute a court.

Brigade courts-martial.

ART. 133. The brigadier-general when present shall be president of the brigade court-martial, and in his absence, the senior officer, highest in rank, shall preside.

President of the court.

ART. 134. Every member of the court, before he shall enter on his duties as such, shall take before the judge advocate of the brigade, the following oath. "I——do swear or affirm, that I will well and truly try, and determine according to the evidence, all matters between the State of Mississippi, and any person or persons, which shall come before a brigade court-martial, of which I have been appointed a member."

Oath of members.

ART. 135. Such court when duly organized shall

Jurisdiction. have jurisdiction of all appeals from regimental courts-martial, within the brigade, of the delinquencies of the regimental-adjutants, and of field and staff-officers of the brigade.

Returns evidence. ART. 136. The returns of the proper officers, made in pursuance of this act, shall be received by such court as evidence, together with such affidavits as may be presented, touching the material matters in question.

Appeal. ART. 137. In all cases of appeals, the burden of proof shall be upon the appellant, and the decision of the court shall be final thereon; in all cases an appeal may be taken from the sentence of the court, to the commander-in-chief.

Petition and bond. ART. 138. Every such appeal shall be taken by petition, in writing, filed with the president of such court, before the expiration of ten days, from the final adjournment thereof, together with a bond and sufficient surety to such president, conditioned that in case sentence be affirmed, the party appealing will satisfy the same.

Notes of evidence furnished. ART. 139. In every case of appeal from a brigade court-martial, it shall be the duty of the brigade judge-advocate, to furnish the commander-in-chief with the notes of the evidence taken therein.

4 OF SPECIAL COURT OF INQUIRY AND COURTS-MARTIAL.

Courts of inquiry. ART. 140. Courts of inquiry may be instituted by the commander-in-chief, or the commanding officer of a division, or brigade, in relation to those officers for whose trial they are authorized to appoint courts-martial, for the purpose of investigating the conduct of any officer, either by his own solicitation, or on a complaint or charge of improper conduct, degrading the character of an officer, and for the purpose of settling rank.

How composed. ART. 141. Such court shall consist of not less than three, nor more than five commissioned officers, and the president shall, without delay, report a statement of facts to the officer instituting such court, who may in his discretion thereupon appoint a court-martial, for the trial of the officer, whose conduct shall have been inquired into.

ART. 142. Every court-martial, for the trial of a brigadier-general, shall be ordered by the commander-in-chief, and shall consist of seven commissioned officers, two of whom, at least, shall be of the rank of major, any five of whom shall constitute a quorum.

Court for
trial of
Brigadier
General.

ART. 143. Every court-martial, for the trial of a major-general, shall be ordered by the commander-in-chief, and shall consist of nine commissioned officers, one of whom, at least, shall be a general officer, and three at least, of the rank of colonel, any seven of whom shall constitute a quorum.

Trial of
Major-
General.

ART. 144. Every court-martial, for the trial of the adjutant-general, or quarter-master-general, shall be ordered by the commander-in-chief, and shall consist of seven commissioned officers; two of whom, at least, shall be of the rank of colonel, and any five shall constitute a quorum.

Trial of
Adjutant-
or Quar-
ter-master
General.

ART. 145. All other special courts-martial, for the trial of commissioned officers, shall consist of seven officers, two of whom, at least, shall be of the rank of the officer accused, and any five of whom shall constitute a quorum, and shall be ordered, if for the trial of officers above the rank of captain, by the commanding officer of the division, and for all other officers by the commanding officer of the brigade.

Other spe-
cial courts
martial.

ART. 146. No officer arrested, shall be brought to trial at a special court-martial, unless a copy of the charges and specifications, certified by the officer ordering the arrest, shall be delivered to him, or left at his usual place of abode, within three days after his arrest, nor unless the officer ordering such court-martial, shall have ordered the same within thirty days after receiving notice of the arrest, and a copy of the charges and specifications, nor until ten days after a copy of a list of the names of the officers detailed to form the court, shall have been delivered to the officer arrested, or left at his usual place of abode.

Copy of
charges
delivered.

ART. 147. The officer ordering such court, may at any time supply any vacancy that for any cause may happen therein.

Vacancies

in court
supplied.

ART. 148. If any officer accused, shall have any cause of challenge to the president of the court, he shall, within a reasonable time after receiving a

President's
how chal-
lenged.

copy of the charges, and a list of the members, deliver his cause of challenge, in writing, to the officer ordering such court, who shall thereupon determine as to the validity of such challenge, and if in his opinion, the causes are sufficient, he shall appoint another president of such court.

Oath of members.

ART. 149. After the court shall have assembled, and all challenges, if any are, made, shall have been determined, the judge-advocate, whether commissioned or special, shall administer to each member the following oath, "You do swear or affirm that you will faithfully discharge the duties of a member of the court-martial now assembled, according to the best of your ability."

Proceedings kept secret.

ART. 150. Every judge-advocate, whether commissioned or special, and every member of the court-martial, shall keep secret the sentence of the court, until the same shall be approved or disapproved according to law, and shall keep secret the vote, or opinion, of any particular member, of the court, unless required to give evidence thereof by a court of justice.

Sentence of Court.

ART. 151. The sentence of such court-martial, shall be according to the nature and degree of the offence, and according to military usage, but shall not extend further than cashiering the officer convicted, and disqualifying him from holding any office in the militia of this State, and imposing a fine not exceeding one hundred dollars.

Sentence to be approved.

ART. 152. The proceedings and sentence of every court-martial shall, without delay, be delivered to the officer ordering the court, who shall approve or disapprove thereof within fifteen days thereafter, and shall give notice of his approval or disapproval, to the president of such court, and to the arrested officer, and shall publish the sentence, as approved or disapproved, in orders.

Transmitted to Adjutant-General.

ART. 153. He shall also transmit such proceedings and sentence and his approval or disapproval thereof, to the adjutant-general to keep in his office.

Rules of proceeding

ART. 154. The rules and regulations relative to courts-martial in the army of the Confederate States, not inconsistent with the provisions of this act, shall be the rules and proceedings in courts-martial in this State.

ART. 155. The right of appeal to the commander-in-chief, from all sentences of a special court-martial, is reserved, but no appeal shall be received, unless made by petition in writing, filed with the president of such court, praying an appeal, within twenty days after the decision appealed from is made known to the person appealing.

Appeal to
Comman-
der-in-Chf

5. GENERAL PROVISIONS APPLICABLE TO ALL COURTS OF INQUIRY AND COURTS-MARTIAL.

ART. 156. The president of every court of inquiry and court-martial, when not designated by law, shall be appointed by the officer ordering such court, and shall, both before and after he shall have been sworn, issue process for all witnesses, whose attendance at such court may, in his opinion, be necessary in behalf of the State, and also, on application, for all witnesses in behalf of any officer charged or accused, or persons returned as delinquents; and may direct the commandant of any company to cause such process to be served on any witness residing within his beat.

Process
for wit-
nesses.

ART. 157. The president of such court-martial, or court of inquiry, shall have power to administer the usual oath to witnesses, and shall have the same power to compel an attending witness to be sworn and testify, and to preserve order, as courts of common law jurisdiction; and all sheriffs, constables and jailors, are hereby required to execute any precept issued by such president for that purpose.

Oaths ad-
minister'd
and order
kept.

ART. 158. Every witness, not appearing in obedience to such summons, when duly served, and not having a reasonable or sufficient excuse, shall forfeit to the State not less than ten, nor more than one hundred dollars; and the president shall, from time to time, report to the proper district attorney, the names of all such delinquent witnesses, together with the name and place of residence of the person serving such process, the better to enable him to prosecute for such forfeitures.

Witnesses
fin'd.

ART. 159. Any person or persons who shall be

Persons
committ'd
for con-
tempt.

guilty of disorderly, contemptuous, or insolent behavior in, or using insulting and contemptuous or indecorous language, or expressions, to, or before any court-martial, or court of inquiry, or any member of either of such courts, in open court, may be committed to the jail of the county in which such court shall sit, by warrant under the hand and seal of the president of such court.

Form of
warrant.

ART. 160. Such warrant shall be directed to the sheriff, or any or either of the constables of any such county, or any officer attending the court, and shall command the officer to whom it is directed, to take the body of such person and commit him to the jail of the county, there to remain without bail, in close confinement, for a time to be limited, not exceeding three days, and until the officer's fees for committing, and the jailor fees be paid.

Duty of
Jailer.

ART. 161. The jailor shall receive the body of any person who shall be brought to him by virtue of such warrant, and keep him until the expiration of the time mentioned in the warrant, and until the fees of the officer and jailor be paid, or until the offender shall be discharged by due course of law.

Who to
preside
when Pre-
sident ab-
sent.

ART. 162. In the absence of the president of any court-martial, or court of inquiry, the senior officer highest in rank, may preside, with all the power of president; and all the members of such court, shall, when on duty, be in full uniform.

Special
Judge-Ad-
vocate ap-
pointed.

ART. 163. Whenever the judge-advocate in commission, shall fail to attend any court of inquiry or court-martial, or shall be unable, for any cause, to discharge his duty, the president of such court shall appoint a special judge-advocate.

Marshals
appointed.

ART. 164. Where any court-martial, or court of inquiry, shall so order, the president thereof shall appoint by warrant, under his hand and seal, one or more marshals.

Duties of
Marshal.

ART. 165. The marshal so appointed, may not only perform the usual duties of such marshals, but may also execute such process, lawfully issued by such president, and perform all acts and duties in this act imposed on, and authorized to be performed by, any sheriff, marshal, or constable.

ART. 166. Whenever the sentence of any court-martial shall be appealed from, the president of the court shall faithfully cause a statement of the case to be made, and together with the evidence touching the same, transmitted to the president of the appellate court.

Duty of
President
on appeals

SECTION X.

Of Penalties, Fines, and Expenditures.

I. OF PENALTIES AND FINES FOR VIOLATIONS OF THIS ACT.

ART. 167. Every commissioned officer, for disobedience of order, neglect of duty, unofficer-like conduct, or disrespect to a superior officer, or for any other unmilitary or ungentlemanly conduct, while on duty, shall be arrested, and brought to trial before a court-martial, who may, on conviction, sentence him to be cashiered, incapacitated from holding any military commission, and fined, to an amount not exceeding one hundred dollars, or may sentence him to any part of such penalties, or to be reprimanded, at their discretion.

Offences
recognizable
by courts-
martial.

ART. 168. Every aid-de-camp of a brigadier-general, and every brigade-inspector, judge-advocate or quarter-master, who shall neglect any of the duties enjoined on him by this act, or which in pursuance hereof, may be required by superior officers, shall without arrest, on due conviction thereof, pay a fine not less than fifty nor more than one hundred dollars.

Fines of
Brigade
Staff.

ART. 169. Every colonel of a regiment shall, without arrest, on due conviction, be subject for the following offences, to the fines thereto annexed:

Fines of
Colonel.

1st. For failing to furnish the commanding officer of his brigade with the returns of the strength and condition of his regiment, when thereto required, not less than twenty nor more than fifty dollars.

2d. For failing to give any notice required of him by this act, or to detail a regimental court-

martial, as is herein directed, or for neglecting to take bond of his quarter-master, fifty dollars.

3d. For neglecting to call out his regiment, in case of any invasion, or insurrection, or imminent danger thereof, or to hold any draft duly ordered, three hundred dollars.

4th. For failing to return to the proper court-martial, any of the delinquencies of his commissioned officers, which were known to him, or of which he had received official information, one hundred dollars, or for deficiency in any article of arms, or uniform, twenty dollars.

5th. For failing to attend any court-martial, when detailed as a member, or for neglecting to perform any other duty lawfully required of him, not less than twenty nor more than one hundred dollars.

ART. 170. Every lieutenant-colonel, or major of a regiment, shall, without arrest, on due conviction, be subject for the following offences, to the fines thereto annexed:

1st. For failing to furnish the commanding officer of his regiment with returns of the strength and condition of his battalion when thereto required, fifty dollars; or to attend a court-martial, when detailed as a member, thirty dollars; or for deficiency in any article of arms or uniform, twenty dollars.

2d. For neglecting to call out his battalion, on order, or to execute any order for a draft therein, two hundred and fifty dollars.

3d. For failing to attend any regimental or battalion muster, or drill of officers, or for neglecting to perform any other duty lawfully required of him, not less than ten nor more than one hundred dollars.

ART. 171. Every captain of a company shall, without arrest, on due conviction, be subject for the following offences, to the fines thereto annexed:

1st. For failing to furnish the commander of his battalion, or the adjutant of his regiment, when thereto required, with the returns of the strength and condition of his company, fifty dollars, or neglecting to detail company courts-martial, as herein required, or failing to return to the regimental

court-martial, the delinquencies of his subalterns, twenty dollars.

2d. For failing to have his company-roll called at every field, and company muster, or for deficiency of any article of arms, or uniform, ten dollars.

3d. For neglecting to call out his company on order, or to execute any draft therein, when required, two hundred and fifty dollars.

4th. For failing to give any notice required of him by this act, or for neglect to perform any other duty herein required, and not otherwise provided for, not less than ten nor more than fifty dollars.

ART. 172. Every lieutenant of a company shall, without arrest, on due conviction, be subject for the following offences, to the fines thereto annexed:

Fines of
Lieut nant

1st. For failing to attend any field, or company muster, or drill of officers of his regiment, or any court-martial when detailed as a member, twenty dollars.

2d. For neglecting to perform any other duty herein required, or which may be lawfully required by a superior officer, not less than ten nor more than twenty dollars.

ART. 173. Every regimental-adjutant, judge-advocate, or quarter-master, who shall neglect any of the duties enjoined on him by this act, or which in pursuance thereof, may be required by a superior officer, shall, without arrest, on due conviction thereof, pay a fine of not less than ten nor more than fifty dollars.

Fines of
Regimentl
Staff.

ART. 174. Every orderly-sergeant of a company who shall neglect any of the duties enjoined on him by this act, or which in pursuance thereof, may be required by a superior officer, shall, on due conviction thereof, pay a fine of not less than one nor more than ten dollars.

Fines of
Ord erly-
S ergeant.

ART. 175. Every other non-commissioned officer of any company, shall, on due conviction, be subject for the following offences, to the fines thereto annexed:

Fines of
other non-
c o m m i s s i o n e d o f f i c e r s .

1st. For refusing to act as such, when duly appointed, not less than five nor more than twenty dollars.

2d. For neglecting or refusing to obey the orders of his superior officers on the day of parade, or to

perform such military duty or exercise as may be lawfully required, or departing from his post or guard, or leaving his place or ranks, without permission, not less than one nor more than five dollars.

3d. Neglecting or refusing to obey any order or summons to him lawfully given or directed, or to make a proper return thereof, if such return be necessary, or make a false return, or for any other neglect of duty not herein enumerated, not less than one nor more than five dollars.

Fines of
privates.

ART. 176. Every musician and private of any company, shall, on due conviction, be subject, for the following offences, to the fine and punishment thereto annexed :

1st. For non-appearance, or failing to appear without a reasonable excuse, at a company parade, one dollar ; at a battalion parade, one dollar ; at a regimental parade, one dollar ; and in addition to the several fines above in this article specified, a sum equal to one-twentieth part of the State tax assessed on the person and property of the said delinquent ; and for appearing on parade not armed and equipped according to the direction of this act, one dollar.

2d. For neglecting or refusing to obey the lawful order of superior officers, on any day of parade, or to perform any such military duty as may be required, or departing from his post or guard, or leaving his place or rank, without permission, or for drunkenness, mutiny, or other misconduct, not less than one, nor more than five dollars, and may be placed under guard for twelve hours.

3d. For refusing to turn out in case of invasion or insurrection, or imminent danger thereof, one hundred dollars.

4th. For failing to repair to the place of rendezvous, or to furnish a sufficient substitute, when drafted, or otherwise called into the service of the Confederate States, or this State, one hundred dollars, and be subject to all the penalties to which a deserter of the Confederate States, or this State, is subject.

ART. 177. If any civil officer or citizen, to whom an order of election shall be addressed and deli-

vered, in pursuance of this act, shall neglect or refuse to execute the same, he shall pay a fine of one hundred dollars, to be recovered by action of debt, in the name of a State, for the use of the military school fund.

Fines for not holding election.

ART. 178. No action shall be maintained against any member of a court-martial, or officer or agent acting under its authority, on account of the imposition of a fine, or the execution of a sentence, on a person not liable to military duty, if such person shall have been returned as a delinquent, and duly summoned, and shall have neglected to show his exemption before such court.

Members not liable to be sued.

2. OF THE COLLECTION AND APPLICATION OF PENALTIES, FINES, AND COMMUTATION MONEY.

ART. 179. At the expiration of ten days after each company court-martial, it shall be the duty of the president thereof to issue a warrant, under his hand, on all judgments that have become final, and remain unpaid, directed to any constable of the county, thereby commanding him to levy the fines, together with the fees, of the goods and chattels, lands and tenements, of each person against whom they have been severally adjudged, as therein specified, and make return thereof within sixty days, with his doings thereon.

Warrant to issue for fines.

ART. 180. If any person against whom any such judgment shall have been rendered, be under the age of twenty-one years, and live with his father or mother, master, mistress or guardian, every such fine or fines, shall be levied of the goods and chattels, lands and tenements of such father or mother, master, mistress or guardian, as the case may be.

Fines of minors, how levied

ART. 181. Every constable in levying the said fines, shall proceed in the same manner, and be entitled to the same fees, and subject to the same penalties, as in case of executions issuing upon the judgment of a justice of the peace, except that no stay of execution shall be granted.

Constable, how to proceed.

ART. 182. Every warrant for the collection of fines, issued by virtue of this act, shall and may be renewed in the same manner that executions issued from justices courts may by law be renewed,

Warrants renewed.

and the said president is, hereby vested with the same power for compelling the return of process, and the paying over of moneys collected by constables, that are vested in justices of the peace.

ART 183. The moneys arising from fines imposed by any company court-martial, shall be paid by the officer collecting the same, to the president of the court, who after paying such costs and fees as may be adjudged by the court, with the advice and consent of his subalterns, shall apply the same to the use of the company.

ART. 184. At the expiration of ten days, after the adjournment of any regimental court-martial, the president thereof shall issue his warrant on each judgment that has become final and unpaid, in substance as follows:

To the sheriff of the county of —

Greeting:

You are hereby commanded to make of the goods and chattels, lands and tenements of — the sum of — dollars being the amount of fines assessed against him by the regimental court-martial of the regiment, held at — on the — day of — in the year of — with all fees accruing herein, and make return of this warrant to me, with your doings within sixty days. Witness my hand this — day of — in the year —

R. R.

President of the Court.

ART. 185. Every sheriff shall endorse upon such warrant the day of its reception, shall proceed in its execution, in all respects as upon a *fieri facias* issued by a circuit court, and shall be entitled to the same fees, and liable to the same penalties.

ART. 186. The sheriff shall pay over the money made upon every such warrant, to the quartermaster of the regiment, and on his failing to do so, he shall be liable to a motion, in the circuit court, on the production of the record of the judgment by the court-martial, in the same manner as if he had collected money on execution issued from a circuit court.

ART. 187. The president of every such court, and his successor, is hereby authorized to issue alias

Money,
to whom
paid over.

Warrant
from regi-
mental
court.

Duties of
sheriff
thereon.

Money
paid over.

Alias
warrants.

or pluries warrants, upon every such judgment, until the whole amount be collected.

ART. 188. All moneys arising from fines imposed by regimental courts-martial, shall be expended, after paying such costs as may be allowed by the court, under the direction of the colonel, or commanding officer, with the advice and approbation of the lieutenant colonel and major, for the use of the regiment.

Money
how ex-
pended.

ART. 189. The president of every brigade court-martial, at the expiration of ten days after the final adjournment of such court, shall issue his warrant on all judgments that have become final, and remain unpaid, in the same manner and form as is prescribed in relation to process issuing from a president of a regimental court-martial.

Warrant
from brig-
ade court.

ART. 190. The sheriff on receipt of any such warrant, shall endorse and proceed in the execution thereof, shall be entitled to the same fees, and subject to the same penalties and proceedings, as is prescribed in reference to warrants issuing from the president of a regimental court martial, and shall pay all moneys collected to the quarter-master of the brigade.

Duties of
sheriff.

ART. 191. All the moneys collected for fines imposed by a brigade court-martial, shall be paid out by the quarter-master of the brigade, on the order in writing of the brigadier-general, or president of the brigade court-martial, specifying the service for which such order shall have been made.

Money,
how ex-
pended.

2. OF COMPENSATION AND FEES OF THE MEMBERS OF COURTS-MARTIAL, AND OTHER OFFICERS.

ART. 192. There shall be allowed by each brigade court-martial, and paid by the brigade quarter-master, on the order of the president thereof, out of any money in his hands:

Fees on
brigade
court-
martial.

1st. To all witnesses summoned to attend said court, on the part of the State, shall be allowed one dollar per day.

2d. To each brigade judge-advocate, and to each president and member of any brigade court-martial, two dollars for each day actually employed on such duty.

3d. To every regimental adjutant, who may be required to attend upon any brigade court-martial, or execute the process thereof, or any summons issued by the president of such court, such compensation as to the court shall seem just.

4th. To the brigade quarter-master, the sum of eight per centum upon the amount of fines collected, as compensation for his services.

Fees of
brigade-
inspector
and aid.

ART. 193. The brigade quarter-master, on the written order of his brigadier-general, specifying the services rendered, shall pay to the brigade-inspector and to the aid-de-camp of the brigadier-general, three dollars for each day actually employed on duty, but not more than fifty dollars shall be allowed to either in any one year.

Allow-
ance to
brigade
quarter-
master.

ART. 194. Each brigade quarter-master shall be allowed by the auditor of public accounts, from time to time, such sums of money, not exceeding one hundred dollars per annum, as his brigadier-general shall certify to be necessary, for the keeping in repair of the ordnance, arms, munitions of war in his possession, belonging to the State, which upon his warrant, shall be paid out of the State treasury.

Fees on
regimental
courts-
martial.

ART. 195. There shall be allowed by each regimental court-martial, and paid by the regimental quarter-master, on the order of the president thereof, out of any moneys in his hands arising from fees:

1st. To the president and each member of any regimental court-martial, one dollar and fifty cents for every day he may sit as such member; and a like sum for every twenty miles of distance traveled to and from said court, computing on the nearest route to his domicile.

2d. To the commissioned and non-commissioned officers, who shall have summoned delinquents to appear before the court, one dollar and fifty cents for each day he may have been necessarily so employed, and the same for each day of his attendance on the court.

3d. To each witness summoned upon the part of the State to attend such courts, one dollar per day.

4th. To the regimental quarter-master, the sum of eight per centum upon the amount of fines collected, as compensation for his services.

ART. 196. Every witness summoned in behalf of

any officer accused, or person returned as delinquent, to any brigade or regimental court-martial, shall be entitled to demand and receive from the person in whose behalf he was summoned, one dollar per day, for each day's attendance.

Fees of
witnesses
for accus'd

CHAPTER CXLJ.

AN ACT supplemental to an act passed at the present session of the Legislature entitled an act to revise and reduce into one the Militia and volunteer Laws of this State.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That it is hereby made the duty of the several Boards of Police in each county in this State to have enrolled every free, white male citizen or resident alien within their respective counties, over the age of eighteen and under fifty years, liable to perform militia duty, by the appointment of one or more discreet persons for that purpose in each Police District, who shall report the number and name of every enrolled citizen and alien resident to the Clerk of Probates in each county, who shall keep on file said reported rolls in their respective offices, and shall forward the number of the enrolled militia in their respective counties to the Adjutant-General, who shall keep a list of same in his office, as furnished from each county; the enrollers appointed by the Boards of Police shall receive the same pay as is defined in the fourth section of the act of which this is a supplement and be subject to the same fines and penalties therein imposed; the enrolling officers directed and required to be appointed under the provisions of this act to be known as Orderly Sergeants, who shall act in the capacity of Captains until one is elected and are to be authorized to receive from the Probate Clerk of his county, a certificate of said service, which, when approved by the Brigadier-Generals of their respective commands shall entitle the holder to receive the pay defined in the act to which this is a supplement.

Enroller,
how ap-
pointed
and his
duties.

SEC. 2. *Be it further enacted*, That said enrollment when made as herein provided, shall be as effective as though made directly under the appointment of said Brigadiers.

Salary of
Major
General.

SEC. 3. *Be it further enacted*, That the Major-General provided to be elected in said act to which this is a supplement, shall receive a salary at the rate of Two Thousand Dollars per annum.

Salary of
Adjutant
General.

SEC. 4. *Be it further enacted*, That the Adjutant-General shall have authority to employ a clerk for such time as the services of such clerk may be necessary in the discharge of the duties of said office, for which said clerk shall receive a salary at the rate of one thousand dollars per annum.

Quarter-
Master to
employ
additional
clerks.

SEC. 5. *Be it further enacted*, That the Quarter-Master General be authorized in addition to the one now allowed him in said act, to which this is a supplement, to employ a clerk, if such additional clerk be required to discharge the duties of said office, for which he shall receive a salary at the rate of one thousand dollars per annum, and that he have full power to employ such agent or agents as he may at any time deem necessary in the transportation of goods, or for other services requiring travel abroad in connection with the Quarter-Master's Department in regard to the Mississippi troops, *Provided however*, That such agent shall not receive a compensation greater than at the rate of one thousand dollars per annum.

Salary of
the Chief
of Ordnance.

SEC. 6. *Be it further enacted*, That the Chief-of-Ordnance, provided for in the act to which this is a supplement, shall receive for his services a salary at the rate of fifteen hundred dollars per annum. Said Chief-of-Ordnance however, only to receive pay for such time as he may be employed under the direction of the Major-General.

Persons
exempt.

SEC. 7. *Be it further enacted*, That in addition to those now exempt from militia duty, as now provided in the 24th section of the act to which this is a supplement: Ministers of the Gospel, having pastoral charges by the appointment or rules of their respective denominations, are hereby exempt: mechanics and others engaged in the manufacture of arms and munitions of war, and the Judge of the Criminal court of Warren coun-

ty, and District attorneys of this State, and guards actually employed at the State Penitentiary.

SEC. 8. *Be it further enacted*, That this act be published with the act to which this is a supplement, and that this act take effect and be in force from and after its passage.

Approved January 29, 1862.

CHAPTER CXLII.

AN ACT to suspend for a limited period some of the provisions of act 4, chapter 9, of the Code, so far as they relate to the county of Marion.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That so much of article 4, chapter 9, of the revised code, as prohibits the clerk of the probate court from preparing the papers in any case pending in the probate court, be and the same are hereby suspended, until twelve months after the termination of the present war, so far as said provisions relate to the county of Marion.

SEC. 2. *Be it further enacted*, That this act shall take effect and be in force from its passage.

Approved January 25, 1862.

CHAPTER CXLIII.

AN ACT to prevent hawking and peddling.

SEC. 1. *Be it enacted by the Legislature of the State of Mississippi*, That hereafter it shall not be lawful for any person to hawk and peddle, within the limits of this State; and that all laws authorizing the issuance of any license for that purpose, are hereby repealed: *Provided*, That this act shall not apply to the peddling by any citizens of this State, of goods, wares, or merchandise, manufactured within the same.

SEC. 2. *Be it further enacted*, That any person violating the provisions of this act, shall be liable to indictment, and upon conviction thereof, shall be fined in a sum not less than one hundred, nor more than five hundred dollars, and imprisoned in the county jail not more than three months.

Approved, January 29, 1862.

CHAPTER CXLIV

AN ACT to remove the civil disabilities of Knight Edwards, of Choctaw County, so far as to render him legally qualified to act as executor of the last will and testament of his father Edward Edwards, deceased, late of Choctaw County.

SEC. 1. *Be it enacted by the Legislature of the State of Mississippi*, That the civil disabilities of Knight Edwards, a minor, of Choctaw county, be removed so far as to render him legally qualified to act as executor of the last will and testament of his father Edward Edwards, deceased, late of said county, and the bond executed by him as executor, for the performance of his duties shall be valid and binding, as if he were of full age.

SEC. 2. *Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved, January 25, 1862.

CHAPTER CXLV.

AN ACT to legalize the assessment roll of Wayne Co., and for the relief of the assessor of taxes of said county.

WHEREAS, By the 19th article of 3rd chapter of the revised code, each assessor of taxes is required to set down in separate columns of the land assessment roll of his county, all the vacant land in his county, and the tax assessor of said county having made out his land assessment roll, without setting down therein the vacant land of Wayne county: And whereas, by reason of said omission,

the said land assessment roll may be held to be illegal, and the assessor be deprived of his pay for assessing the taxes of said county. Therefore,

SEC. 1. *Be it enacted by the Legislature of the State of Mississippi*, That the land assessment roll of Wayne county, for the present fiscal year, shall not be held to be illegal or void, on account of the fact that it does not contain a list of the vacant land in Wayne county; but shall be held to be as legal and valid as it would be if it contained in separate columns said vacant land, and the tax assessor of said county shall be entitled to the same compensation as he would be entitled to receive if the said roll contained the public or vacant land of said county.

SEC. 2. *Be it further enacted*, That this act take effect from and after its passage.

Approved January 25, 1862.

CHAPTER CXLVI.

AN ACT for the relief of Hugh McDonald, of Neshoba county.

WHEREAS, Auditor's Warrants, No. 1082, for \$36, and No. 1248 for \$36, and No. 1666 for \$14, and No. 1667 for \$14, were issued to Hugh McDonald, of Neshoba county, during the month of December last: And whereas, the State treasurer has certified that none of said warrants have been paid; and whereas, it is satisfactorily shown that said warrants were lost by said McDonald. Therefore,

SEC. 1. *Be it enacted by the Legislature of the State of Mississippi*, That the auditor of public accounts is hereby required to issue to said McDonald, other warrants in place of those above described; and it shall be the duty of the auditor to endorse upon the back of each warrant so issued, the number, date and amount of the warrant supposed to be lost, and in place of which it is issued, and attach to it his signature; and said auditor shall also notify the treasurer, in writing,

of the re-issuance of said warrants, giving him the amount, date, number, and the person to whom issued of each warrant lost, and each one be re-issued; and it shall be lawful only for the treasurer to pay the warrants last issued, and endorsed as herein required.

SEC. 2. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

Approved January 25, 1862.

CHAPTER CXLVII.

AN ACT to confirm the location of swamp and overflowed lands in Newton County, and for other purposes.

SEC. 1. *Be it enacted by the Legislature of the State of Mississippi*, That the locating of swamp and overflowed lands made by Isham Dansby, locating agent for Newton county, duly appointed under an act of the Congress of the United States of America, approved September 28, 1850, be and the same is hereby confirmed.

SEC. 2. *Be it further enacted*, That upon the production of the certificate of the Secretary of State, certifying the amount of said located lands, and that authenticated returns of the same have been filed in his office, it shall be the duty of the auditor of public accounts to issue his warrant in favor of said Isham Dansby, for the amount to which he is respectively entitled for making said location as prescribed by the law, under which the same was made.

SEC. 3. *Be it further enacted*, That the provisions of this act shall not apply to any tract or tracts of land located by said Dansby, which may have been entered from the Federal or State Government, by any person or persons at any time before the passage of this act, and such entries shall not be disturbed.

SEC. 4. *Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved December 20, 1861.

CHAPTER CXLVIII.

AN ACT to confer discretionary power on the Board of Police of Pike County, in relation to the Free Negroes of said County.

SEC. 1. *Be it enacted by the Legislature of the State of Mississippi*, That the board of police of Pike county, are hereby authorized to issue license to such of the free negroes now living in said county, to remain within its limits as shall upon satisfactory evidence to them appear to be of good character and in nowise dangerous to the community, and they may revoke said license upon their becoming depraved and troublesome.

SEC. 2. *And be it further enacted*, That it shall be the duty of the sheriff of said county, to apprehend, and it shall be the duty of the board of police to have sold into slavery any free negro of said county who shall be found within its limits after the first day of March, 1862, without a license from the board of police to remain, and all funds so arising from the sales of free negroes shall pass to the credit of the common school fund of said county.

SEC. 2. *Be it further enacted*, That this act take effect from its passage.

Approved, December 20, 1861.

CHAPTER CXLIX.

AN ACT to authorize the President of the Boards of Trustees of School Funds to qualify their own body, &c.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the President of the Boards of Trustees of the school funds of the sixteenth sections of the several counties of this State, and the presidents of other boards of school commissioners, after first having been qualified by any person authorized to administer an oath, shall have full power to qualify, by oath, their own body, their successors in office, and the managers of elections, for trustees of said school funds.

SEC. 2. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

Approved, January 25, 1862.

CHAPTER CL.

AN ACT for the relief of debtors to the School fund of the several counties.

SEC. 1. *Be it enacted by the Legislature of the State of Mississippi*, That all persons who on the 6th day of August, 1861, were indebted to the school funds of the several townships and counties of this State, and who shall punctually pay all the interest on such debts as the same may fall due, and who shall, when required, renew the said debts, with good and satisfactory securities, and who shall also pay all costs that have accrued in any suit brought thereon, shall be entitled to all the benefit and protection of an act entitled an act to modify the collection laws of this State, approved August 6, 1861, anything in the said act contained to the contrary notwithstanding.

SEC. 2. *Be it further enacted*, That this act shall take effect and be in full force from and after its passage.

Approved January 22, 1862.

CHAPTER CLI.

AN ACT to change the time of holding the Probate Court of Pike county.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That hereafter the probate court of Pike county shall commence on the fourth Monday of each month, instead of the first Monday as now provided by law, and that this act take effect from and after the tenth day of February, 1862.

Approved January 25, 1862.

CHAPTER CLII.

AN ACT, to provide for payment of costs in prosecutions against slaves.

WHEREAS, doubt exists under the law as it now stands, whether costs incurred in the prosecution of slaves are payable out of the county or State treasury; and whereas, the auditor of public accounts called upon the attorney-general for his opinion, who held that the law as it set forth in Hutchinson's Code, by which such costs and expenses were paid out of the county treasury, have not been changed by the code of 1857. Therefore,

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi,* That all costs incurred in the prosecution of slaves, whether in offences punishable capitally, or otherwise, be and the same shall be paid out of the treasury of the State, upon the accounts of the same, being made out and certified in the mode prescribed by the existing laws upon that subject.

SEC. 2. *Be it further enacted,* That all accounts for costs incurred in prosecutions referred to in the first section hereof, arising in cases heretofore decided, but the costs in which have not been paid, when certified in the form now required by law, shall be paid out of the treasury of the State.

SEC. 3. *Be it further enacted,* That no costs or expenses incurred in the prosecution of slaves shall be paid out of the State treasury, except such costs and expenses as are by law payable out of the said treasury in case of criminal prosecutions against white persons, anything in this act contained to the contrary notwithstanding, and that all laws authorizing the payment of the costs and expenses incurred in the prosecution of slaves out of the county treasury be and the same are hereby repealed.

SEC. 4. *Be it further enacted,* That this act shall take effect and be in force from and after its passage.

Approved January 22, 1862.

CHAPTER CLIII.

AN ACT to authorize the sale of the Sixteenth Section of School Lands belonging to that portion of Tunica county included in the Choctaw purchase, in order to consolidate the Chickasaw and Choctaw school fund of said county.

Boards of
Police
may order
sale.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That upon a petition of a majority of the citizens of the several townships of that part of Tunica and Coahoma Counties included in the Choctaw cession, to the Boards of Police of their respective counties, for the sale of the sixteenth sections, lying in these townships that are divided by the county line of Tunica and Coahoma counties, the Boards of Police at their discretion may order the sale of said sixteenth sections, or either of them, by first giving thirty days notice, at three or more of the most public places in said counties, one of which shall be at the Court-house door, describing the lands so offered for sale, to be sold on such terms and conditions as may appear to said boards, most conducive to the interests of the school-funds of said county or counties.

Funds,
now ap-
plied

SEC. 2. *Be it further enacted*, That the funds arising from the sale of the lands in these townships divided by the county line, shall be equally divided between the counties of Tunica and Coahoma, to be applied to school purposes in the townships in which the said sixteenth sections so sold may lie. The order of sale to be made by the Boards of Police of Tunica and Coahoma counties jointly, and advertised in each of these counties, and sold by the sheriff of Coahoma county at the Court-house door thereof.

SEC. 3. *Be it further enacted*, That the lands lying in these townships in Tunica county, shall be under the exclusive control of the Board of Police of said county, so far as to order the sale and terms and conditions thereof, but funds arising from the sale thereof, shall be applied to the purposes of education in the township in which the land so sold may be situated, unless the inhabitants of the township shall petition the Board of Police to con-

consolidate the fund arising from the sale with the Chickasaw school fund of said county of Tunica, in that case, the Board of Police may exercise their discretion.

SEC. 4. *Be it further enacted*, That the sheriffs of the several counties of Coahoma and Tunica, shall within ten days after the sale of these lands, pay over to the county treasurer or school commissioners of the proper county, all the proceeds arising from the sale thereof, made in accordance to the order of sale, by said Board or Boards of Police, taking a receipt therefor, which receipt shall be recorded in the office of the Probate Court of each county, and operate as a discharge from any further liability of the sheriff thereof.

Sheriff to
pay over
monies.

SEC. 5. *Be it further enacted*, That this act shall be in force and take effect from its passage.

Approved, January 22, 1862.

CHAPTER CLIV.

AN ACT to authorize and require the Clerk of the Circuit, Chancery and Probate Courts of Harrison County to remove the records and papers of his office, and for other purposes.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the Clerk of the Circuit, Chancery and Probate Courts of Harrison be and he is hereby authorized and required to remove all the records and papers in his several offices to some safe place in or out of the county, beyond the reach of the invading enemy.

SEC. 2. *Be it further enacted*, That the Board of County Police make said Clerk an allowance for the expenses of the removal of said records and papers, said allowance to be paid out of the county treasury.

SEC. 3. *Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved, January 22, 1862.

CHAPTER CLV.

AN ACT for the relief of W. G. Martin, of Lafayette County.

WHEREAS, the assessor of taxes, for the county of Lafayette, in making out the tax roll for the year 1860, committed an error in estimating the amount of the State tax on the personal property of W. G. Martin, of fifteen dollars, which excess the said W. G. Martin has paid to the Collector of taxes of said county, and has his receipt for the same, therefore,

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the Auditor of Public Accounts be authorized and he is hereby required to issue his warrant on the State Treasurer in favor of the said W. G. Martin, for the said amount of fifteen dollars to be paid out of any money in the treasury not otherwise appropriated.

SEC. 2. *Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved, January 25, 1862.

CHAPTER CLVI.

AN ACT to limit the amount of the levy of the County Tax for Green County for general purposes.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the Board of Police of Green county shall not hereafter levy a county tax for general purposes to an amount greater than one hundred per cent on the State levy for the year A. D. 1861, for general purposes.

SEC. 2. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

Approved, January 25, 1862.

CHAPTER CLVIII.

AN ACT for the relief of the Sheriff and County Treasurer of Leake and Attala counties.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi,* That the Presidents of the Boards of Police of Leake and Attala counties be and they are authorized and empowered to take and approve the additional bond required to be given by the Sheriffs and County Treasurers of said counties, before they collect and receive any special tax required to be collected or received by them or either of them, in case of the absence of the Probate Judges thereof.

SEC. 2. *Be it further enacted,* That this act take effect and be in force from and after its passage.

Approved, January 22, 1862.

CHAPTER CLVIII.

AN ACT for the benefit of the Panola Cavalry and Tillatoba Greys, the first commanded by Capt. W. G. Middleton, the second by W. S. Eskridge.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi,* That the sum of two thousand dollars be and the same is hereby appropriated out of any money in the treasury not otherwise appropriated, to each of the above named companies, to-wit: two thousand dollars to the Panola Cavalry and the like sum to the Tillatoba Greys, for the purchase of sabres, or other necessary arms or equipments for said companies now in the Confederate service, and in Camp at Grenada, Mississippi.

SEC. 2. *Be it further enacted,* That the Auditor of Public Accounts be and he is hereby instructed to draw his warrant on the State Treasurer for the sum of two thousand dollars, in favor of Capt. W. G. Middleton, and for the like amount in favor of W. S. Eskridge, out of any money in the treasury not otherwise appropriated, provided said W. G. Middleton and W. S. Eskridge shall each first

execute his bond for the safe keeping and delivery to the State of Mississippi of said sabres or other arms and equipments so purchased, at the expiration of the time of enlistment.

SEC. 2. *Be it further enacted*, That in the event the above named companies, or either of them, should be attached to the regiment now forming by Col. Starke, that the said Col. Starke be and he is hereby required to return to the treasury of the State the amounts herein appropriated to said companies or either of them.

Approved, January 22, 1862.

CHAPTER CLIX.

AN ACT in relation to the navigation of Deer Creek by Keel-boats and other water-craft, so far as the same relates to the County of Issaquena.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That whenever any keel-boats or other water-craft in navigating that portion of Deer Creek lying in the County of Issaquena, shall find it necessary to remove or displace any portion of any bridge constructed over the said creek, it shall be the duty of the owner, Captain or other person commanding the said keel-boat or other water-craft to replace the portion of the bridge removed, and to put such bridge in as good condition as before any portion thereof was removed for the passage of such boat, and for a failure to comply with the provisions of this act, the owner of such keel-boat or other water-craft shall be fined in a sum equal to double the amount of damage done such bridge, to be recovered in any court of competent jurisdiction.

SEC. 2. *Be it further enacted*, That for damages done to public bridges suit shall be instituted under this act by the Board of Police of the County, and this act shall take effect and be in force from and after its passage.

Approved, January 22, 1862.

CHAPTER CLX.

AN ACT to authorize Rebecca Collins to convey certain lands.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That Rebecca Collins, the wife of J. W. Collins, of Green county, be and she is hereby relieved of her civil disabilities of minority, so far as to enable her jointly with her husband to execute a deed of conveyance to any purchaser for the following parcels of land, to-wit: The south half of fractional section eleven, township five, range six west; the north end of fractional section fourteen, township five, range six, west, bounded as follows, to-wit: Commencing at Caswell's Bluff, on the west side of Chickasahay river and running due west to the section line, thence with the said line to the north-west corner of said section, thence east to the said river, and thence with said river to the place of beginning; all lying and being in Green county in this State, thereby transferring to such purchaser all of her right, title and interest in and to said land as fully and as validly as she could do if she were of the age of twenty-one years.

SEC. 2. *Be it further enacted*, That this act take effect from and after its passage.

Approved, January 22, 1862.

CHAPTER CLXI.

AN ACT to remove the disabilities of minors in certain cases.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That any minor in the army or who hereafter may enlist, shall be empowered to give a receipt to his guardian for any one servant he may desire to take into camp to wait upon him, and said receipt, if the slave shall not be returned, shall be a full acquittance and discharge to such guardian.

SEC. 2. *Be it further enacted*, That if any receipt has, before the passage of this act, been given by any minor to his guardian, for the purposes mentioned in the first section of this act, such receipt is hereby fully legalized as if given since the passage of this act.

SEC. 2. *Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved January 22, 1862.

CHAPTER CLXII

AN ACT to amend an act entitled an act to incorporate the Central Mississippi Female College in the town of Lexington, Holmes county, approved Feb. 25th, 1854.

SECTION. 1. *Be it enacted by the Legislature of the State of Mississippi*, That A. V. Rowe, W. Wilson, D. W. Beall, J. P. Poval, H. D. Bickley, W. Thomas, S. Stigler, J. J. Hooker, T. S. Wright, D. A. Holman, P. M. M. Alexander, J. M. West, F. M. McMillan, A. B. Harris, J. M. Dyer, J. A. Durden and H. Pittman, be and they are hereby constituted a permanent Board of Trustees of the Central Mississippi Female College, with power to fill all vacancies occasioned by death, resignation or otherwise, *Provided*, That three fourths of said Board shall be members of Baptist churches.

SEC. 2. *Be it further enacted*, That so much of section 3 of the above recited act as gives to the Yazoo Baptist Association the power to appoint annually a Board of Trustees for said College be and the same is hereby repealed.

SEC. 3. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

Approved January 22, 1862.

CHAPTER CLXIII.

AN ACT to repeal an act entitled an act to incorporate the town of Gallatin.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi,* That the act entitled an act to incorporate the town of Gallatin, in Copiah county, approved February 4th 1829, be and the same is hereby repealed, and that this act take effect and be in force from and after its passage.

Approved, January 18, 1862.

CHAPTER CLXIV.

AN ACT to extend the time for the payment of taxes in the office of the Auditor of Public Accounts by persons owning property in counties in which they do not reside.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi,* That the time allowed by law to persons owning property in counties in which they do not reside within which they may pay taxes on such property in the office of the Auditor of Public Accounts, be, and the same is hereby extended to the first Monday in May next and that the same shall be paid in said office by such persons pursuant to the terms and conditions prescribed in chapter 3, section 8, article 32, of the Revised Code, any law to the contrary notwithstanding, and the Auditor shall transmit to the several collectors a list of such payments by the first day of June following; *Provided however,* That nothing in this act contained shall be understood or construed to extend or interfere with the time now allowed by law for the payment in the Auditor's Office of that portion of the State Tax known as the Military Fund, levied under the ordinance of the State Convention, but all persons authorized and desiring to pay the said Military Fund Tax to the Auditor, shall pay the same on or

before the last day of February next, and the Auditor shall transmit to the several collectors a list of such payment by the first day of April next.

SEC. 2. *Be it further enacted*, That all laws and parts of laws now in force conflicting with the provisions of this act be and the same are repealed, and that this act take effect and be in force from and after its passage.

Approved, January 29, 1862.

CHAPTER CLXV.

An ACT to change the names of Rose Elizabeth Christine Pradat, Alice Caroline Arcene Pradat, Mathilde Louise Pradat, and Camielle Christophe Amanuel Pradat, and for other purposes.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That Rose Elizabeth Christine Pradat, Alice Caroline Arcene Pradat, Mathilde Louise Pradat, and Camielle Christophe Amanuel Pradat, shall hereafter be called and known by the name of Rose Elizabeth Christine Toledano, Alice Caroline Arcene Toledano, Mathilde Louise Toledano, Camille Christophe Amanuel Toledano, and by said names may sue and be sued; plead and be impleaded in any court of law or equity.

WHEREAS, Christophe Toledano, the natural father of the persons mentioned in the first section of this act, has since their birth married their mother Miss Mathilde Pradat, and both father and mother being anxious that they should be made capable of inheriting their estates.

SEC. 2. *Be it further enacted*, That the said Rose Elizabeth Christine Toledano, Alice Caroline Arcene Toledano, Mathilde Louise Toledano, Camille Christophe Amanuel Toledano, are hereby declared to be the lawful heirs, and made capable in law to inherit from the said Christophe Toledano and Mathilde Toledano, in the same manner as though they had been born in lawful wedlock.

SEC. 3. *Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved, January 22, 1862.

CHAPTER CLXVI.

AN ACT to authorize William Noel, Administrator of the estate of Samuel Sample deceased, to purchase certain land.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That William Noel, Administrator of the estate of Samuel Sample deceased, late of the county of Holmes, with the will annexed, be and he is hereby authorized to purchase of Rolin Williams of said county, upon a credit, a tract of land, situate in said county, adjacent to or near the plantation of said Samuel Sample, containing about three hundred and twenty acres, for the legatees of said testator; *Provided however*, That the Probate Court of said county, shall approve of the purchase and the terms thereof, *And provided further*, That said Administrator shall be required to take good and sufficient title to said land, in the name of said legatees to be approved by said court and to record the same in the Clerk's office in said county.

SEC. 2. *Be it further enacted*, That this act shall be in force from and after its passage.

Approved, January 22, 1862.

CHAPTER CLXVII.

AN ACT supplemental to an act entitled an act to authorize Railroad Companies in this State to issue notes to be circulated as money, approved December 20th 1861.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That in addition to the amount of notes already allowed and authorized to be issued and re-issued by the Railroad Companies named in the act to which this is a supplement,

the following named Railroad Companies, may issue and re-issue respectively, these additional sums, to-wit: The Mississippi Central Railroad Company, one hundred and fifty thousand dollars; the Mobile and Ohio Railroad Company, two hundred thousand dollars; the Southern Railroad Company, one hundred thousand dollars; the Mississippi and Tennessee Railroad Company, seventy-five thousand dollars; the West Feliciana Railroad Company, thirty thousand dollars and the Grand Gulf and Port Gibson Railroad Company, the sum of three thousand dollars with all the powers, rights, privileges and immunities, and subject to all the limitations, restrictions, forfeitures, and penalties, expressed or imposed in and by the said original act, and that the North East and South West Railroad Company be authorized to have the benefit of this act, to an amount not exceeding ten thousand dollars, and that said Company shall establish and keep an office in the town of Marion in Lauderdale county for the redemption of the notes issued by it under this act.

Amount
issued by
R. R. com-
panies.

Notes,
when re-
deemed.

SEC. 2. *Be it further enacted*, That said notes issued under this act or the act to which this is a supplement may be of any denomination of five dollars or under, and not less than five cents, and shall always be redeemed as provided for in the original act, when presented in sums of five dollars or its multiple, said notes shall be signed and countersigned, as provided in the act to which this is a supplement either by the President and Secretary or Treasurer of said companies respectively or by some other person or persons, specially deputed in writing by the President or Board of Directors of the respective Railroad companies herein named.

Office at
Iuka.

SEC. 3. *Be it further enacted*, That the Memphis and Charleston Railroad company are hereby authorized to issue and re-issue an amount of notes under the provisions of this act, and the act to which this is a supplement not exceeding, two hundred and fifty thousand dollars, and the said Memphis and Charleston Railroad Company shall establish and have an office at the town of Iuka in this State, where it shall redeem its notes issued

under the provisions of this act and the act to which this is a supplement and shall in all things, so far as the issuance, re-issuance and redemption of the notes allowed to be issued under this act by said company be subject to the laws of this State.

SEC. 4. *Be it further enacted,* That Macon in Noxubee county in this State; be and the same is hereby designated as the point for the redemption of the notes issued by the Mobile and Ohio Railroad company under this act. Office at Macon.

SEC. 5. *Be it further enacted,* That should either of the Railroad companies authorized to issue notes to circulate as money, refuse to receive the bills of any of the roads authorized by this act, or the act to which this is a supplement in payment of freight or passage on their road, at par, such Railroad company shall forfeit and pay to the person or persons aggrieved, by such refusal, double the amount of the notes so refused to be received, in any court having jurisdiction thereof. Penalty for refusing notes.

SEC. 6. *Be it further enacted,* That this act take effect, and be in force from and after its acceptance by a majority of the stockholders present at any annual or convened meeting in person or by proxy of the said companies respectively and filing a copy of such acceptance, in the office of Secretary of State, so far as to bestow on said Railroad companies respectively, all the powers and privileges, intended to be conferred by this act, and the act to which this is a supplement.

SEC. 7. *Be it further enacted,* That the President of each Railroad company, herein named shall make oath before some person having legal authority to administer the same, that he will not sign or issue or authorize to be signed or issued, any larger amount of said notes of circulation than the aggregate sum to which his company is limited by this act and the act to which it is a supplement, which affidavit shall be deposited in the office of the Secretary of State, and if any other person shall be deputed to sign such notes instead of the President of any of said Railroad companies, then such deputy shall take the same oath to be deposited, with that of the President of the same company as herein provided.

SEC. 8. *Be it further enacted,* That if any holder of the notes of circulation issued by said Railroad companies be presented at the proper office of redemption and the same be not redeemed according to the requisitions of the act to which this is a supplement, such holder of said unredeemed notes, may then present the same again in sums of twenty dollars, if aggregate sum by him or her held exceed that amount, and demand that the agent at the redemption office shall give to the presenter, written acknowledgment of said presentation and refusal to redeem and thereupon the said holder shall have the right to institute suit, before any justice of the peace in the county where said redemption office is located by service of process on the said redemption agent, and it shall be the duty of such justice of the peace to render judgment on each acknowledgment against said Railroad company, for the amount of all such notes with ten per cent. damages, and issue execution instanter, against said company, and the said plaintiff shall be entitled to collection and satisfaction of said execution according to law, out of any property belonging to said company, any law to the contrary notwithstanding. If such agent refuse to give the said required acknowledgment, then on proof by any witness of such refusal the plaintiff shall be entitled to judgment and execution in same manner with damages to extent of twenty per cent.

Approved, January 22, 1862.

CHAPTER CLXVIII.

AN ACT for the relief of J. S. Yerger, Judge of the third Judicial District of the State of Mississippi.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi,* That Jacob S. Yerger Judge of the third judicial district of the State of Mississippi, be and he is hereby authorized, to be absent from the State of Mississippi, at such times and for such periods, as will not interfere with the holding of the courts in said judicial district.

Approved January 18, 1862.

CHAPTER CLXIX.

RESOLUTION in relation to enrolled bills.

Resolved by the Senate (the House concurring)
That all bills passed by this Legislature and which have been enrolled shall lie over as unfinished business until the meeting of the Legislature in January next.

Approved, January 15, 1862.

CHAPTER CLXX.

AN ACT to increase the pay of the Clerk of the Criminal Court of Warren county.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the Clerk of the Criminal Court of Warren county hereafter be allowed the sum of two hundred dollars for his services and attendance as Clerk of said court in lieu of the amount at present allowed by law, to be paid out of the county Treasury.

SEC. 2. *Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved January 15, 1862.

CHAPTER CLXXI.

AN ACT to amend chapter 8th of the Revised Code entitled an act establishing the fees of certain officers, so far as relates to the Clerks of the Chancery and Probate Courts of Adams county.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the Clerks of the Chancery and Probate Courts of Adams county shall be authorized to receive for copies of each bill, answer, or other paper, for every hundred words the

sum of fifteen cents instead of ten cents, now allowed by law.

SEC. 2. *Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved January 15, 1862.

CHAPTER CLXXII.

AN ACT to remove the civil disabilities of Joseph D. Quinn, a minor of Panola county.

WHEREAS, Joseph D. Quinn, a minor of Panola county, now about twenty years of age, has volunteered and gone into the service of his country; and whereas the said Quinn has negro property in the hands of his Guardian, and wishes to take with him a boy to cook for him and mess, to which his said Guardian has no objection, provided, the disabilities of his said ward be so far removed as to authorize him to receipt for such negro; therefore,

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the disabilities of minority of Joseph D. Quinn of Panola county be, and the same are hereby so far removed, as to enable him to receipt to his Guardian for one negro boy to take with him to the war, but no further, nor for any other purpose, and that his receipt to his said Guardian to this purport and extent shall be as full, ample and binding as if the said Quinn had attained the full age of majority under our statutes.

SEC. 2. *Be it further enacted*, That this act shall take effect and be in force from and after the first day of January 1862.

Approved January 15, 1862.

CHAPTER CLXXIII.

RESOLUTION requiring the Keeper of the Capitol to distribute certain books to the Clerk of the Circuit Court of Warren county.

Resolved by the Legislature of the State of Mississippi, That the Keeper of the Capitol be and he is hereby directed, to furnish the clerk of the circuit court of Warren county, for the use of said Court and the Probate court of said county one copy of each volume of Howards, Smedes and Marshalls, Cushmans and George reports, to supply the place of such volumes of said reports as were destroyed by the burning of the Court House of said county—said books to be delivered to said clerk on his certificate, setting forth the volume so lost.

Resolved further, That a complete copy of the Reports of the decisions of the High Court of Errors and Appeals of this State be likewise delivered to the clerks of district courts of the Confederate States held at Jackson and Pontotoc for the use of the court held at those places.

Approved January 25, 1862.

CHAPTER CLXXIV.

RESOLUTION in relation to the State Treasurer.

Resolved by the Senate (the House concurring), That it shall be the duty of the Treasurer to report during the first week of the session of the next Legislature, the amount received into the Treasury from taxes under the provisions of the revenue laws now in force, and that he suggest such amendments or additions thereto as in his judgment will most conduce to increase or diminish the revenue arising under the law at present in force in this State. Also showing the amount received for the redemption of the Treasury notes, issued for milita-

ry purposes by order of the Convention, and the amount of gold and silver received on account of said tax for the redemption of said Bonds or Treasury notes.

Approved, January 29, 1862.

CHAPTER CLXXV.

RESOLUTION in relation to the shipment of cotton.

Resolved by the Legislature of the State of Mississippi, That this Legislature do recommend to the Congress of the Confederate Governments the propriety of prohibiting by stringent legislation, the exportation of cotton from any of the ports of the Confederate States, unless in exchange for cargoes of arms and ammunition, or articles of prime necessity, to be delivered before any cotton shall be exported.

Resolved further, That a copy of the above resolution be transmitted by the Secretary of State to each of our Representatives, at present in the Provisional Congress, and also to each of our Senators and Representatives elect to the Permanent Congress of the Confederate States.

Approved January 29, 1862.

CHAPTER CLXXVI.

RESOLUTION authorizing the Governor to use certain moneys.

Resolved by the Senate (the House concurring), That the money received from the Confederate States or may hereafter be received in payment for funds advanced by the State of Mississippi in furnishing arms and equipments of soldiers in the Confederate service, may be used by the Governor in purchasing arms and munitions of war for the defense of this State or of the Confederate States, or for securing the issue of the Treasury notes to be advanced upon cotton, provided that the Governor should not be able to procure a sufficient

amount under the provisions of an act passed at the present session to pay the Confederate tax of this State.

Approved, January 28, 1862.

CHAPTER CLXXVII.

RESOLUTION relating to claims against the Lunatic Asylum.

Resolved (the Senate concurring) That the Auditor of Public Accounts be and he is hereby authorized to issue his warrant or warrants on the Treasury, in favor of all claims held by any person or persons against the Lunatic Asylum, which shall be certified to be correct and allowed by the Trustees of the Lunatic Asylum, and shall be paid out of the fund already appropriated for the use of said Asylum.

Approved, January 29, 1862.

CHAPTER CLXXVIII.

AN ACT for the relief of Edwin J. Coleman, a minor of Bolivar county Mississippi, and for other purposes.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the civil disabilities of Edwin J. Coleman, a minor of Bolivar county, Mississippi, be, and the same are hereby so far removed, as to authorize him to qualify and act as the Administrator of the rights, credits, goods and chattels of his father, William Coleman, deceased, late of said county, and he is hereby empowered when duly appointed and qualified as such Administrator to discharge all the duties of said office as if he were of full age,—and subject to all the liabilities incident thereto.

SEC. 2. *Be it further enacted*, That the Probate Court of said county in its discretion, is hereby authorized to appoint said Edwin J. Coleman,

administrator of said decedent under the restrictions now provided by law for the appointment of Administrators.

SEC. 3. *Be it further enacted*, That this act be in force from and after its passage.

Approved, January 25, 1862.

CHAPTER CLXXIX.

CHAPTER CLXXIX.

RESOLUTION in relation to the Women of the State of Mississippi and the Confederate States.

Resolved by the Legislature, That the women of the State of Mississippi and of the Confederate States, for their exertions in behalf of the cause of Southern Independence, are entitled to the hearty thanks of every lover of his country, and this Legislature acting from a sense of justice and of gratitude, in the name of the State of Mississippi, hereby extend to them individually and collectively the sincere thanks of the people of this State, for their noble efforts in aiding the cause of our common country.

Approved, January 28, 1862.

CHAPTER CLXXX.

RESOLUTION in relation to the twelve months Volunteers now in service.

Highly appreciating the important and valuable services rendered to the great cause in which we are engaged, by the brave volunteers of our State,

Be it Resolved by the Legislature of the State of Mississippi, That we tender our warmest thanks to all our men, as well our soldiers as our officers, and assure them that so long as the honor of our country is in their keeping, we feel that it is safe.

Be it further resolved, That feeling the vast importance of retaining an organized and disciplined force in the face of the enemy, we do most earnest-

ly recommend to our twelve months volunteers again to tender their noble services to the cause of our country, and thereby to secure the triumph of our arms.

Approved, January 29, 1862.

CHAPTER CLXXXI.

AN ACT for the benefit of James McAmis.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the sum of fifty-seven dollars and eighty cents be and the same is hereby appropriated to James McAmis on account of army hospital at Corinth, Mississippi; and that the Auditor of Public Accounts is hereby authorized to issue his warrant for the same, payable out of the Military Fund or any other money in the treasury not otherwise appropriated, and that this act take effect and be in force from and after its passage.

Approved, January 25, 1862.

CHAPTER CLXXXII.

MEMORIAL of the Legislature of the State of Mississippi to the Congress of the Confederate States.

Your memorialists desire to direct the attention of Congress to the laws in relation to the pay of the army of the Confederate States. The disparity now existing between the pay of privates and that of officers, meets, as we believe with general disapprobation, and is, as your memorialists conceive, far greater than sound policy requires, or public justice permits. We simply desire to bring the subject in connection with the opinion of this Legislature, to the attention of Congress, and to leave to its wisdom and patriotism, such legislation as may correct the wrongs and evils now deemed to exist in the pecuniary compensation of our soldiery under the present organization of the army.

Should Congress in its judgment, think it unwise to alter or reduce the pay now given to the officers in the Confederate army, then your memorialists would most respectfully ask Congress to increase the pay of privates in the Confederate army to fifteen or twenty dollars per month.

Resolved, That the Governor be instructed to furnish a copy of this memorial to our senators and representatives in Congress.

Approved, January 29, 1862.

CHAPTER CLXXXIII.

AN ACT for the relief of Miles H. McGehee.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That there be refunded to Miles H. McGehee the sum of eighty dollars, being the amount paid by him to the State on the 23d. of April, 1853. for the purchase of lots 35, 36, 37 and 38, in section one, (1.) township twenty-four, (24,) range seven, (7.) west, sold to said McGehee as "swamp land," but which land was held by the State as "Chickasaw school lands," and as such was sold by the State to James T. Rucks, from whom said McGehee, in order to perfect his title, afterwards purchased.

SEC. 2. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

Approved, January 25, 1862.

CHAPTER CLXXXIV.

AN ACT to provide compensation to Mrs. Lucy A. Burt for extra services performed by the late E. R. Burt, during his official term as Auditor.

WHEREAS, the late Convention of the State of Mississippi, in an ordinance passed by them entitled "an ordinance to raise means for the defence of the

State," authorized the issuance of one million dollars treasury notes, referring the matter of compensation to the departments of State for labor performed by them in the issuance and negotiation of said notes, to be fixed by the legislature, not to exceed the sum of twenty-five hundred dollars, and whereas the late E. R. Burt did during his official term, as Auditor, perform the labor devolved upon the Auditor, by said ordinance in issuing four hundred and five thousand five hundred and ten dollars of said notes, therefore,

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the Auditor of Public Accounts be and he is hereby required to issue his warrant on the Treasurer, in favor of Mrs. Lucy A. Burt, relict of E. R. Burt, for the sum of one thousand dollars, to be paid out of any money in the treasury not otherwise appropriated.

SEC. 2. *Be it further enacted*, That this act take effect from and after its passage.

Approved, January 25, 1862.

CHAPTER CLXXXV

AN ACT for the relief of John White of Chickasaw County.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the Board of Police of the County of Chickasaw are hereby authorized to reduce the assessed value of lots No. 20, 21 and 22, on the north side of Main street, in the town of Okalona, owned by John White, to its true taxable value, on account of the destruction of the improvements thereon by fire, and that the value so fixed by the Board of Police, shall be certified by the Clerk of said Board to the Collector and Auditor of Public Accounts, who shall be governed thereby in the collection of taxes on said property, and that this act shall take effect and be in force from and after its passage.

Approved January 25, 1862.

CHAPTER CLXXXVI.

AN ACT to amend an act entitled an act to suspend the collection of the ten cent Levee Tax in certain counties.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi,* That all persons receiving the benefit of the provisions of this act to which this is amendatory shall be liable and are hereby declared to be bound to pay interest at the rate of eight per cent. per annum on the amount of his, her or their levee tax, the collection of which was suspended under the operation of said original act from and after the first day of April in each year in which the same was heretofore assessed, and became due and payable, to be collected with the principal of said levee taxes at the expiration of the term during which the collection of the same is suspended by the said act to which this is an amendment.

Interest
paid.

Salaries of
officers.

SEC. 2. *Be it further enacted,* That the Board of Levee Commissioners organized under the original act of December 2d, 1858, shall be restricted as follows, in fixing the salaries of the officers of said Board and of the Engineers acting under their authority, viz: The salary of the Chief Engineer shall not exceed the sum of two thousand dollars per annum, and the pay of assistant Engineers shall not exceed the rate of one hundred dollars per month, and they shall receive compensation only for the time during which they are actually employed. The offices of secretary and treasurer shall be blended, and shall be filled by one and the same person who shall receive for his services not exceeding fifteen hundred dollars per annum. The Commissioners shall elect one of their own number to act as President of the Board, which Commissioner so elected shall continue to represent in the Board of Levee Commissioners the county which may have elected him to the said Board, anything in the act of which this is amendatory to the contrary notwithstanding, and the said President shall receive the compensation now allowed to a Commissioner of the Board and nothing more.

SEC. 3. *Be it further enacted,* That all moneys

hereafter received or collected under or by virtue of the provisions of the twenty-first section of an act entitled "an act to aid in repairing and perfecting the levee of the Mississippi River in the counties of DeSoto, Tunica, Coahoma, Bolivar, Washington and Issaquena, approved December 2, 1858, shall be exclusively appropriated by the Board of Police of the several counties in which it is collected, to constructing, building or repairing the levee laid off and approved by or under the order of the Board of Levee Commissioners, created by the act in which said twenty-first section is contained, and is part of and shall be used for no other purpose, or in the construction, building or repairing no other levee whatever, any provision of the twenty first section to the contrary notwithstanding.

Money,
how ap-
propriated

SEC. 4. *Be it further enacted*, That all acts and parts of acts in conflict with the provisions of this act be and the same are hereby repealed, and that this act shall take effect and be in force from and after its passage.

Approved, January 25, 1862.

CHAPTER CLXXXVII.

JOINT RESOLUTION.

Resolved by the Legislature of the State of Mississippi, That the Governor be requested forthwith to order the disbanding of the sixty day troops of the State, now at Bowling Green and Union City.

The Brigade under command of Gen. Davis to be disbanded at Corinth, and the Brigade under Gen. Alcorn at Holly Springs, and that the Quarter-master give each volunteer free transportation to his home from the place of his discharge.

Approved, January 17, 1862.

LAWS OF MISSISSIPPI.

CHAPTER CLXXXVIII.

AN ACT to legalize and confirm the sale of certain lands in Neshoba County.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the sale of the south-west quarter of the north-east quarter of section twenty-eight, township eleven, range thirteen east, being in Neshoba county, made by virtue of the Probate Court of said county, be and the same is hereby ratified and confirmed.

SEC. 2. *Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved, January 25, 1862.

CHAPTER CLXXXIX.

RESOLUTION authorizing the State Librarian to purchase certain books.

SECTION 1. *Be it resolved by the Legislature of the State of Mississippi*, That the State Librarian be authorized to purchase for the use of the State Library one copy of a work entitled "Trotter on Slavery" and written by Gen. W. B. Trotter of this State, the cost of said work not to exceed one dollar, and to be paid out of the fund appropriated to purchasing books for the State Library; also, one copy of Physical and Moral Aspects of Geology, by W. J. Barbee, of Mississippi.

Approved, January 29, 1862.

CHAPTER CXC.

AN ACT to procure agricultural and mechanical statistics and to excite a spirit for agricultural progress throughout the State.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That it shall be the duty of the Secretary of State, after a blank form, or copy of blank embracing the interrogatories in second section of this act shall be furnished him by the President of the Agricultural Bureau, to have said blanks printed and a number corresponding to number of persons liable to assessment in each county annually hereafter forwarded to the Assessor of each county, with the request that he hand one to each person assessed who in turn will request that the blanks be filled and returned to him as soon as practicable. The Assessors are requested to return all that are returned to them by the first of October of each year to the Secretary of State, who shall, without delay, transmit them to the President of said Agricultural Bureau.

B'anks
furnished
to assess-
sors.

SEC. 2. *Be it further enacted*, That the interrogatories to be propounded and answered are as follows : Number of acres planted in cotton, number of bales, with average weight produced, kind of land planted, manure used ; number of acres planted in corn, number of bushels gathered, manure used ; number of acres planted in wheat, number of bushels raised ; number planted in rye, number planted in oats, the yield of each number of acres planted in grass ; kinds best for land and climate ; best for grazing ; best for hay ; number of acres in sweet potatoes, the yield ; in Irish potatoes, the yield ; turnips, probable yield ; number of horses, number bought ; number of mules, number bought, treatment ; number of cattle, number sold ; number of pounds of butter sold, price ; number of sheep, number sold ; number of pounds of wool clipped ; number killed by dogs, breed ; number of hogs ; number of pounds of pork, hams and bacon put up ; amount sold ; system of feeding, best breed ; number of acres in vineyard ; kind of grape best for climate and wine ; number of gal-

Interrog-
atories
to be an-
swered.

lons of wine ; kind fruits grown, best for climate ; amount of leather tanned ; number of yards of cloth, woolen and cotton made ; number of farm implements ; what invented in the different branches of mechanics, number manufactured.

SEC. 3. *Be it further enacted*, That this act be in force from and after its passage.

Approved, January 25, 1862.

CHAPTER CXCI.

AN ACT to provide for the defence of the country.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the Governor of this State be and he is hereby requested to issue his proclamation immediately, calling for ten thousand volunteers for the defense of the country, to rendezvous at such time and at such places, and in such numbers as he may designate, within the limits of this State, *Provided*, however, that such volunteers shall only be required to rendezvous as fast as provision has been or shall be made for their support, and for tents and camp equipage.

Ten thousand
and
troops
called out.

Term of
service.

SEC. 2. *Be it further enacted*, That said volunteers shall be enlisted in the military service of this State for the term of twelve months from the date of their said enlistment, with the right on the part of the Governor to transfer said troops into the service of the Confederate States, for any term not exceeding twelve months from the date of their said enlistment, upon any call for said troops by the President of the Confederate States.

Draft to
be ordered

SEC. 3. *Be it further enacted*, That should a sufficient number of volunteers not be obtained after a reasonable time, to meet the said call, then, and in that event, the Governor is hereby requested to order a draft from the militia to complete the same, which troops so obtained by draft, shall be enrolled in the service of the State for the term of twelve months from the date of their said enrollment, and subject to transfer to the service of the Confederate States, as herein provided in relation to the volun-

teers, *Provided*, that any person so drafted may obtain a substitute in accordance with the provisions of the act reducing into one, the militia and volunteer laws of the State.

SEC. 4. *Be it further enacted*, That the monthly pay of said troops shall be the same as that allowed in the army of the Confederate States. Pay.

SEC. 5. *Be it further enacted*, That all money, or other funds, that are now, or hereafter may be in the treasury, and not otherwise specially appropriated, are hereby appropriated to the organization, equipment, support and payment of the said troops, and shall be paid out upon the order of the Governor, drawn upon the Auditor, who shall draw his warrant upon the Treasurer for the same.

SEC. 6. *Be it further enacted*, That all money or other funds that may hereafter be obtained from the Confederate States in discharge of the indebtedness due by said States to the State of Mississippi, not otherwise specially appropriated, are hereby appropriated to military purposes generally, and as far as may be deemed necessary, in the opinion of the Governor, specially to the organization, equipment, support and payment of the troops herein requested to be raised, and may be by him applied to such general military purposes, as he may deem most essential and imperative in the present exigencies of the State. Appropriation.

SEC. 7. *Be it further enacted*, That the troops raised under this act shall be permitted to elect all their own officers; *Provided*, that when the said troops are transferred to the Confederate service, they shall be transferred subject to the laws and regulations of the Confederate Government, in relation to the appointment of regimental and general officers; *And provided further*, that the Governor shall and he is hereby authorized to call out said troops provided for, for the period of two years, or for a less time, as the public exigencies may in the judgement of the Executive require, any thing in this act or any other act to the contrary, notwithstanding, and when said troops shall be transferred to the service of the Confederate Government they shall be transferred for the remainder of the period for which they were enlisted. Troops for two years.

SEC. 8. *Be it further enacted*, That in calling out the force of ten thousand men, as provided for in this act, the Governor be and he is hereby authorized to adopt such regulations as he may deem necessary and proper for compelling all the counties in this State to furnish their due proportion of said ten thousand men in case a draft be necessary to raise them.

SEC. 9. *Be it further enacted*, That the Governor shall call out said ten thousand troops in such proportion of infantry, cavalry and artillery as to him may seem proper: *Provided*, that each company shall be composed of sixty-four men, rank and file.

SEC. 10. *Be it further enacted*, That this act shall be in force from its passage.

Approved, January 29, 1862.

CHAPTER CXCII.

JOINT RESOLUTION.

Be it resolved by the Senate, with the concurrence of the House, That the Governor be authorized to send to Gen. L. Polk, at Columbus, Ky., the twelve thirty-two pound guns belonging to this State, now at Vicksburg, as soon as possible, with such carriages and ammunition as he may be able to command.

Approved, January 25, 1862.

CHAPTER CXCIIL.

AN ACT in relation to taxes on the property of alien enemies liable to sequestration.

WHEREAS, the Congress of the Confederate States passed an act, approved December 23d 1861, entitled an act in relation to taxes on property which has been or which is liable to be sequestered as the property of alien enemies, whereby among

other things, the Secretary of the Treasury is authorized to make agreements with the several States, counties, cities and towns, for the postponement, of the collection of taxes for which the property of alien enemies, sequestered are liable to be, and in case any one or more of the States, counties, cities or towns, consent to the same, to issue certificates for the amount due, bearing interest at the rate of six per cent. per annum, and whereby the said Secretary, whenever the property of an alien enemy sequestered, or liable thereto, has been or shall be sold for taxes, is further authorized with the assent of the State in which the property has been sold, to redeem the same, by the payment of the sum or sums required to be paid by citizens in such case, or by the issue of certificate therefor, as therein provided ; therefore,

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi,* That the Governor be and he is hereby authorized, to make agreements with the Secretary of the Treasury of the Confederate States of America, for the postponement of the collection of taxes, except the military fund tax, due or to become due to the State, for which the property of alien enemies sequestered, or liable to be sequestered, may be liable, and to receive in payment of such taxes, certificates for the amount due, bearing interest at the rate of six per cent per annum, to be issued by the said Secretary, and which shall bind the Government of the Confederate States to pay the same ; and that such certificates, when received shall be paid into the Treasury of the State, in the same manner as money received by the Auditor in payment of taxes ; and the Treasurer may pay out the said certificates, as other money in the Treasury is disbursed by law.

Collection
of taxes
postponed

Certificates
used as
money.

SEC. 2. *Be it further enacted,* That the Boards of Police of the several counties, and the corporate authorities of the several cities and towns of the State, are hereby authorized to make similar agreements with the said Secretary of the Treasury, for the postponement of the collection, or for the payment of the taxes due, or to become due, to such counties, cities or towns respectively, for which the property of alien enemies is liable.

SEC. 3. *Be it further enacted*, That whenever the property of an alien enemy, sequestered or liable thereto, has been or shall hereafter be sold for taxes, the Secretary of the Treasury of the Confederate States shall be and he is hereby authorized to redeem the same, by the payment of the sum or sums required to be paid by citizens in such case, or by the issue of certificates therefor, as provided in the first section of this act, should he deem it advisable.

SEC. 4. *Be it further enacted*, That this act shall take effect from its passage

Approved, January 29, 1862.

CHAPTER CXCV.

AN ACT to provide for the collection of arms.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That it is hereby made the duty of the Sheriffs and their deputies of this State to proceed immediately to collect all guns of every kind (unless those not worth repair,) as well as all navy or other pistols suited to Cavalry service, in their respective counties by calling upon each citizen and demanding the surrender to him of said arms; and it shall be the duty of the Sheriff to demand of each citizen to make affidavit that he has surrendered as aforesaid the arms in his possession—only reserving to himself the one exempted under this bill; and upon the failure or refusal of any citizen, to make said affidavit or to give up his arms, as herein provided, he shall be deemed guilty of a misdemeanor, subject to indictment, and upon conviction shall be fined in a sum not less than one hundred dollars, nor more than five hundred dollars, and it shall be the duty of the Sheriffs and deputies aforesaid to return to the grand juries information in reference to any refusal to make the affidavit and surrender of arms as aforesaid; *Provided*, however, that all members of volunteer companies now formed, as well as any head of a family, and all persons subject to militia-

How re-
deemed.

Sheriffs to
collect
arms.

Fine.

ry duty, shall be entitled to retain one gun, said gun to be selected by them if they should own, or be in possession of more than one.

SEC. 2. *Be it further enacted*, That said sheriffs or deputies appointed by them, shall number said guns as they are received, keeping a list thereof, and setting opposite the names of the owners, the number of said guns, the same, when so received shall be collected at the point most convenient for shipment to such point hereafter mentioned, as may be most convenient to the respective counties of this State; and when so collected shall be valued by three competent commissioners to be appointed by the Probate Judges of the respective counties of this State, and said commissioners shall make two lists of said valuations setting apposite the numbers the valuations thereof. said lists to be certified to by them, one copy to be filed in the sheriff's office of the counties respectively; the other to be filed in the office of the Chief of Ordnance.

Guns to
be num-
bered.

Value of
guns.

SEC. 3. *Be it further enacted*, That said arms, when so collected and valued, shall, under the direction of said sheriffs or deputies, be forwarded by the most expeditious and convenient route to either of these points, viz: Vicksburg, Natchez, Brookhaven, Enterprise, Jackson, Grenada, Holly Springs, or Aberdeen, as may be most convenient to the counties respectively.

Where
forwarded

SEC. 4. *Be it further enacted*, That the Chief of Ordnance is hereby required to appoint a competent Inspector for each of the above points whose duty it shall be to receive said arms so shipped to the above points respectively, and expeditiously to have such repairs made to said arms as may most effectively fit them for service, and upon such terms as may be most advantageous to the State.

Inspector
appointed.

SEC. 5. *Be it further enacted*, That said sheriffs or deputies be allowed the sum of one dollar for each and every gun so collected, valued and shipped, as before provided; and said commissioners and inspectors the sum of three dollars per day for the time actually employed in their duties as herein provided,—their accounts to be approved by the Chief of Ordnance and paid by the Quarter-Master General.

Pay of
sheriff and
commis-
sioners.

Bond and
security
to be given

SEC. 6. *Be it further enacted*, That upon the approval of the lists of valuation as herein provided, the sheriffs of the respective counties of this State, or in the absence of any sheriff now in military service, his deputy shall, upon entering into bond in the penalty of twice the valuations as returned, conditions for the payment of the same to the parties to whom entitled, as by the certified lists of said valuations on file in their offices, may appear, with two good and sufficient sureties to be approved by the Governor; said sheriffs or deputies shall receive said amounts due their counties respectively, and pay upon demand of parties entitled thereto.

SEC. 7. *Be it further enacted*, That the Governor immediately issue his proclamation commanding said sheriffs or deputies, to immediately enter upon the discharge of the duties prescribed herein.

SEC. 8. *Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved January 29, 1862.

CHAPTER CXCIV.

AN ACT to authorize the Mississippi and Tennessee Rail Road Company to construct a branch road through the counties of Tallahatchie, Carroll, Holmes, Yazoo, and Madison, and for other purposes.

Location.

SEC. 1. *Be it enacted by the Legislature of the State of Mississippi*, That the Mississippi and Tennessee Railroad company are hereby authorized to construct from the most convenient point of divergence on said road, a branch road through the counties of Tallahatchie, Carroll, Holmes, Yazoo and Madison. Said railroad shall be located through or in the vicinity of Greenwood, in the county of Carroll, terminating at Canton.

City of
Jackson
may sub-
scribe
\$100,000.

SEC. 2. *Be it further enacted*, That the mayor and aldermen of the City of Jackson, may subscribe the sum of one hundred thousand dollars to the capital stock of the Mississippi and Tennessee

railroad company, upon the terms and conditions agreed upon and sanctioned by a vote of the citizens thereof, on the — day of —, 1860.

SEC. 3. *Be it further enacted*, That the Mississippi and Tennessee railroad company shall commence the construction of said branch road, within four years from the passage of this act, and finish it within seven years thereafter.

When to
comm'nce

SEC. 4. *Be it further enacted*, That said railroad company shall have the right to construct such bridges as they may deem necessary to the safety and interest of the public and of the company; the material may be of iron or wood, or both, at the discretion of the company.

Right to
construct
Bridges.

SEC. 5. *Be it further enacted*, That all the rights, privileges and disabilities contained in the charter of the Mississippi and Tennessee railroad company, and the amendments thereto, be and the same are hereby conferred upon said company, for the purpose of constructing the branch road herein authorized to be built by the Mississippi and Tennessee railroad company: *Provided*, a majority of the stockholders of said company, at a meeting called in accordance with the charter, adopt this amendment as a portion of the original charter of said company.

Privile ges
con ferred.

SEC. 6. *Be it further enacted*, That this act shall take effect and be in force from its passage.

Approved January 29, 1862.

CHAPTER CXCVI.

AN ACT to suspend for a limited time certain parts of the statute of limitations.

SEC. 1. *Be it enacted by the Legislature of the State of Mississippi*, That all acts limiting the time for commencing actions founded on bonds, promissory notes, bills of exchange, open accounts, or other contracts for the payment of money; and all acts limiting the continuance of judgment liens, and the time for issuing executions on judgment, and all acts limiting the time for commencing suits

to enforce mechanics' liens, be and the same are hereby suspended until twelve months after the close of the present war, or until otherwise provided by law; and that this act shall take effect from its passage.

Approved January 29, 1862.

CHAPTER CXCVII.

AN ACT to amend chapter 6, section 7, article 82 of the Revised Code, in relation to compensation for printing bills, resolutions, &c.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That chapter 6, section 7, article 82 of the Revised Code, be amended so as to read as follows: "for two hundred copies of bills, resolutions and memorials, the sum of three dollars and fifty cents per page for the number of pages in one copy thereof."

SEC. 2. *Be it further enacted*, That this act take effect from its passage.

Approved January 29, 1862.

CHAPTER CXCVIII.

AN ACT to refund certain moneys.

WHEREAS, J. J. Pettus, Governor of this State, did on the 9th of January last (1861) order the Columbus Rifles and Southrons to repair immediately to Enterprise, Mississippi, and called upon the friends of Mississippi to aid them, with the means of moving, promising to settle the amount with them: And whereas, a portion of the citizens of Lowndes county, Mississippi, did on the 10th day of said month, contribute four thousand six hundred and sixty-one 28-100 dollars (\$4661 28) which was used in the outfit, equipment and removal of said companies: Therefore,

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the auditor of public

accounts be hereby authorized and required to issue his warrant upon the treasury for said amount of four thousand six hundred and sixty-one 28-100 dollars (\$4661 28) in favor of J. M. Billups, Henry B. Whitfield, James W. Sykes, E. B. Fort, and James Blair, committee for the benefit of the contributors, out of any money in the treasury not otherwise appropriated, and the Governor shall require of the captain of the said company an account of the expenditure of the said sums of money, and if there shall remain in the hands of said captain any balance after deducting such sums as have been lawfully expended for the equipment, subsistence and transportation of his company to the place of rendezvous, it shall be the duty of the said captain to refund the same to the State treasury.

SEC. 2. *Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved January 29, 1862.

CHAPTER CXCIX.

AN ACT for the relief of L. D. Rhodes, Sheriff of Rankin County.

SEC. 1. *Be it enacted by the Legislature of the State of Mississippi*, That the auditor of public accounts is hereby authorized and required to issue his warrant on the State treasury in favor of L. D. Rhodes, sheriff of Rankin county, for the amount of fifty dollars, the amount paid out by him for the recapture of a prisoner escaping from the jail of Rankin county, who is now in the penitentiary.

SEC. 2. *Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved, January 29, 1862.

CHAPTER CC.

AN ACT to authorize C. F. Hamer to manumit his servant, David Wooldridge.

WHEREAS, Capt. C. F. Hamer has, on account of the fidelity of his slave, David Wooldridge, as well as his gallantry in the battle of the 21st of July, petitioned the legislature to permit him to emancipate said slave, and that he may be permitted to remain in the State: therefore,

SEC. 1. *Be it enacted by the Legislature of the State of Mississippi*, That Charles F. Hamer be and he is hereby empowered by deed or last will and testament to emancipate his slave, known as David Wooldridge, and the said slave during good behavior, shall have the privilege of remaining within the State.

SEC. 2. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

Approved, January 29, 1862.

CHAPTER CCI.

AN ACT to amend an act entitled an act to authorize Railroad Companies in this State to issue notes to be circulated as money, approved December 20th, 1861, and the supplement thereto, approved January 22, 1862.

SECTION. 1. *Be it enacted by the Legislature of the State of Mississippi*, That all the rights and privileges granted in the above recited acts to the various railroad companies in this State to issue notes as money for circulation, be and the same are hereby extended to the New Orleans, Jackson and Great Northern Railroad Company as fully as though said company was included in said original and supplemental acts.

SEC. 2. *Be it further enacted*, That the New Orleans, Jackson and Great Northern Railroad Company may and they are hereby authorized to issue notes for circulation, to the amount of three hundred thousand dollars, redeemable at their of-

fices in Canton and New Orleans, subject to all the pains, penalties, rights, privileges and conditions as prescribed in said act and the supplement thereto,

SEC. 3. *Be it further enacted*, That this act shall not take effect until ratified by the stockholders of said company, and as prescribed by the supplemental act to which this is an amendment.

SEC. 4. That this act take effect and be in force from and after its passage.

Approved, January 28, 1862.

CHAPTER CCII.

AN ACT for the relief of Amos P. Evans, of Wayne County.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That upon the payment of all cost by the defendant, the Clerk of the Circuit Court of Wayne County be and he is hereby authorized and required to dismiss the prosecution now pending in said Court in the name of the State of Mississippi against Amos P. Evans, upon a charge of bigamy, and that this act take effect from and after its passage.

Approved, January 27, 1862.

CHAPTER CCIII.

AN ACT to amend the sixty-second chapter of the Revised Code, entitled "an act in relation to Chancery Courts," and for other purposes.

Be it enacted by the Legislature of the State of Mississippi, as follows, to-wit :

SECTION 1. That so much of the fifteenth article of the sixty-second chapter of the Revised Code, entitled an act in relation to Chancery Courts, as requires the proofs or depositions taken or filed by either party, to be recorded, be and the same is hereby repealed.

SEC. 2. That so much of the twenty-sixth article of the same chapter as requires proofs to be made returnable on a day ten days after the time of issuance thereof, and to be executed ten days before the return day, be and the same is hereby repealed, and that hereafter such process shall be issued and executed five days before the return day thereof.

Approved, January 27, 1862.

CHAPTER CCV.

AN ACT for the relief of Thomas E. Lewis.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That Thomas E. Lewis of the County of Copiah, be and he is hereby relieved of the civil disabilities of minority, and that he be and is hereby declared competent, to contract and be contracted with, to sue and be sued, in the same manner and with the binding effect, as if he were of the age of twenty-one years, and that this act shall take effect from its passage.

Approved January 27, 1862.

CHAPTER CCIV.

AN ACT to authorize a tax to be levied on gates erected on public roads in the Counties of Bolivar, Washington and Issaquena and other Counties.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the Board of Police of the Counties of Bolivar, Washington and Issaquena, and Sunflower, Warren and Yazoo are authorized to charge and tax any person who shall be allowed by said Board to erect a gate or gates across public highways in said counties. a sum not less than five dollars and not more than fifty dollars for each gate, for every year during which the privilege of keeping up such gates shall be continued, and that this act shall take effect from its passage.

Approved January 25. 1862.

CHAPTER CCVI.

AN ACT to provide for leveeing Township fourteen, of range one east, in the County of Warren.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, as follows, to-wit:—That it shall be the duty of each and every proprietor of land situated in township fourteen, of range one east, in the County of Warren, to construct, finish and have in good repair on or before the first day of March, 1863, and thereafter, to keep in good repair, a good, secure and well built levee along the front of his own land, and connecting with the levee of the adjacent proprietors, so as to protect his own land and all the land lying in said township and included within said levee, from being overflowed by the waters of the Mississippi River. The said levee to be three feet in height above the high water mark of the year 1859, and to have at least five feet of base to each foot of height, and to be constructed in the most approved and most substantial and durable manner.

When levee to be constructed.

Dimensions.

SEC. 2. That the proprietors of land in the said township, or their agents or overseers in their absence, shall assemble on the first Monday of April next, at Brierfield, the plantation of Jefferson Davis, and on the first Monday of January, in every year thereafter, and shall then elect a superintendent of the said levee, for the term of one year, who shall have full power to lay out the said levees and to direct and control the manner in which the same shall be constructed. to remove all timber and trees that may endanger its safety, and to exercise full supervision and control over the erection and repair of said levee. The said superintendent to receive three dollars per day while so employed, for his services, which shall be paid by the several proprietors of land in said township, in proportion to the number of slaves owned by each in the said township; *Provided*, that the proprietors of said lands, or in their absence, their agents, or the overseers of their plantations situated in said levee district, shall constitute a levee board for the purpose of deciding all

Superintendent to be elected.

**Powers
of levee
board.**

exceptions which may be taken by any party interested, to the action of said superintendent, and said board shall have full power to hear and determine all exceptions to any act of said superintendent, and shall have power by the vote of a majority of all the proprietors, their agents or overseers, to set aside or confirm the action of such superintendent whenever any exception shall be taken to the action of said superintendent. The matter excepted to shall be suspended until decided by the board, and the superintendent shall forthwith call the board together, to meet at Brierfield, giving each member written notice of the time and objects of the meeting to dispose of the exception.

**When to
be com-
pleted.**

SEC. 3. That if any proprietor of land in the said township shall fail to build the said levee and have the same in complete order and condition on or before the time limited for that purpose by the first section of this act, or shall fail to keep and have the said levee in good and complete repair and condition, and of the dimensions aforesaid, on or before the first day of March in every year thereafter, it shall be the duty of said superintendent forthwith to cause the said work to be done, as expeditiously as possible and on the most favorable terms he can obtain, by letting the same out to the lowest bidder, at the cost of such delinquent proprietor; and if any such delinquent proprietor shall fail to pay to the said superintendent the cost of the work so done, on notice of the amount thereof, and demand of payment made by such superintendent, the amount of such work shall become a special lien upon all the land owned by such proprietor in said township, and the said superintendent, after giving thirty days notice of the time and place of sale in some newspaper published in the said county of Warren, or by putting up such notices at five public places in the said county, one of which shall be on the premises to be sold, and one at the Courthouse of said county, shall proceed to sell the land owned by such delinquent proprietor, in the said township, or so much thereof as may be necessary to raise the amount due, with interest, and the costs of such sale, to the highest bidder for cash, or on a credit, as he may deem ex

**Work let
to lowest
bidder.**

**Notice to
be given.**

pedient, and shall execute a deed or deeds therefor to the purchaser, which deed shall vest in the purchaser such title as was owned or possessed by such delinquent proprietor at the time when the default in building such levee or keeping the same in good order or repair occurred, under the provisions of the first section of this act; *Provided*, that no sale of lands shall be made by said superintendent until said sale shall be approved by a majority of said levee board, and that all persons whose lands are sold under this act, shall have two years to redeem the same by refunding the purchase money with ten per cent. interest thereon; *Provided further*, if the lands of a minor are sold he or she shall have, after arriving at the age of twenty-one, to redeem the same in.

Two
years to
redeem.

SEC. 4. That if it shall be found that the time limited by the first section of this act for the erection of the said levee is too short, the same may be extended by the written consent of two-thirds of all the owners of land in said township for such period as they may think proper.

Time ex-
tended.

SEC. 5. That this act shall take effect from its passage.

Approved, January 27, 1862.

CHAPTER CCVII.

AN ACT supplemental to an act approved December 16th, 1861, entitled an act to create a fund for the support of destitute families of volunteers in the State, and for other purposes.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That if the Sheriff of any county should be absent and in the army, any regularly constituted deputy of such Sheriff may, in his own name, execute the bond required by the act, to which this act is supplemental, and said deputy and his sureties shall be thereby as fully bound as

if the said deputy was the Sheriff of such county, and said deputy, after the execution of said bond, shall be fully qualified for the collection of said tax.

SEC. 2. *Be it further enacted*, That this act take effect from and after its passage.

Approved, January 29, 1862.

CHAPTER CCVIII.

AN ACT for the relief of J. B. Massie.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the Auditor of Public Accounts be authorized and required to draw his warrant in favor of J. B. Massie for twelve dollars, payable out of any moneys in the treasury not otherwise appropriated.

SEC. 2. *Be it further enacted*, That this act be in force from and after its passage.

Approved, January 29, 1862.

CHAPTER CCIX.

AN ACT supplemental to an act making the Treasury Notes issued under an ordinance of the State Convention, receivable in payment of dues to the State at all times before and after the period fixed for their redemption, and for other purposes.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the Treasury Notes redeemable in 1863 and 1864, which may be received into the State treasury in 1862, according to the act to which this act is supplementary, shall be received and paid out of said treasury as other funds, or until the time fixed for the redemption by the ordinance of the Convention without any endorsement thereon.

SEC. 2. *And be it further enacted*, That this act shall take effect and be in force from and after its passage.

Approved, January 29, 1862.

CHAPTER CCX.

AN ACT for the relief of G. G. Torrey, of Bolivar County.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the Auditor of Public Accounts be and he is hereby instructed to issue his warrant on the Treasurer in favor of G. G. Torrey, of Bolivar County, for the sum of one hundred dollars, to be paid out of any money in the treasury not otherwise appropriated, and that this act take effect from and after its passage.

Approved, January 29, 1862.

CHAPTER CCXI.

AN ACT to prohibit improper allowances by the Boards of Police.

WHEREAS, it is represented that the Boards of Police of certain counties have indulged the unlawful habit of allowing their Clerks fees for entering orders on the minutes of said board and for making out, and delivering to the Sheriffs copies of orders appointing road overseers, and have also allowed the Sheriffs compensation for serving said copies, and have also allowed assessors compensation for assessing county taxes, and, whereas, these and the like illegal practices should be prohibited, therefore,

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That if any Sheriff, Clerk, Assessor, or other person shall claim and receive from the Treasury of any county, any fee, a compensation not authorized by law, or if any member of any Board of Police shall, knowingly vote for the payment of any such unlawful claim he or she shall be subject to indictment, and on conviction, fined not exceeding double the amount of such unlawful charge, or imprisoned in the County jail at the discretion of the Court.

Approved January 29, 1862.

CHAPTER CCXII.

AN ACT to amend art. eleven, section four of chapter thirty-nine of the Revised Code.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That in addition to the causes of divorce enumerated in article eleventh, section four of chapter thirty-nine of the Revised Code, it shall be lawful for any married woman to alledge as a cause of divorce, that her husband is engaged in the service of the United States of America, either in the army or navy, or from choice reside in any one of the States of the United States in preference to residing in one of the Confederate States. *Provided*, that such divorce shall not render illegitimate the children of such marriage.

SEC. 2. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

Approved, January 29, 1862.

CHAPTER CCXIII.

AN ACT for the relief of certain free persons of color, known as the Clark family, and for other purposes.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That certain free persons of color known as the Clark family, being Amy Clark and the descendant of the said Amy and Samuel Clark, deceased, her husband, now living and residing in Perry county, be and they are hereby authorized and permitted to remain and live in said county and State.

SEC. 2. *Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved January 29, 1862.

CHAPTER CCXIV.

AN ACT supplemental to an act passed at the present session of the Legislature, entitled an act authorizing the issuance of Treasury Notes as advances upon Cotton.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That in order to expedite the issuance of the treasury notes authorized to be issued in the act to which this is a supplement, it shall be lawful for the governor and auditor to contract for their printing upon plates to be electrotyped from the engraved plates upon which said governor and auditor are now required by said act to have said notes printed; and said notes when so printed upon said electrotyped plates, shall be signed, countersigned and issued, and in all respects be considered as though they had been directly printed upon said engraved plates as in said original act provided.

Notes to
be printed
on elec-
trotyped
plates.

SEC. 2. *Be it further enacted*, That the auditor and treasurer are hereby fully authorized and empowered to employ such number of clerks as they may deem necessary to sign and countersign said notes for said auditor and treasurer respectively, so as conveniently to furnish said notes after they shall be printed according to the applications that may be made for them under the operation of said act to which this is a supplement, and the signatures of such clerks for said auditor and treasurer respectively, when so employed and duly authorized and empowered by said auditor and treasurer shall be of the same force and effect as though the same were directly signed by said auditor and treasurer.

Auditor
and treas-
urer may
employ
clerks.

SEC. 3. *Be it further enacted*, That executors, administrators and guardians shall be entitled to receive advances of treasury notes upon the cotton of the estates under their control, in the same manner that other persons are permitted to obtain such advances: *Provided*, the probate judge of the county in which the guardian, administrator, or executor has qualified, shall by order approve the proposed advance.

Execu-
tors and
adminis-
trators to
receive ad-
vances.

SEC. 4. *Be it further enacted*, That each and every person who shall receive an advance under

the act to which this is a supplement, shall pay into the treasury one-half of one per cent. on the amount of said advance at the time of receiving the same, for the purpose of refunding to the State the amount expended for engraving the plates, and printing the notes issued under the provisions of said act.

SEC. 5. *Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved January 29, 1862.

CHAPTER CCXV.

AN ACT for the relief of H. J. Terrill.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the school commissioners of Lafayette county be and they are hereby authorized and empowered to examine and allow any account for the tuition of proper beneficiaries of Lafayette county, for services rendered in the year 1860, by the said H. J. Terrill, as teacher, and that this act take effect from and after its passage.

Approved January 29, 1862.

CHAPTER CCXVI.

AN ACT to grant public lands to the Gulf and Ship Island Rail Road Company, and for other purposes.

LANDS granted within fifteen miles of line of road.

SEC. 1. *Be it enacted by the Legislature of the State of Mississippi*, That all the public lands lying or being within fifteen miles of the line of the Gulf and Ship Island railroad, as now located, and not otherwise appropriated, be and the same is hereby granted to the Gulf and Ship Island railroad company, to be held, used, hypothecated or sold by said company, and the proceeds thereof faithfully applied to the construction of said rail-

road, from a point or points on the Gulf of Mexico, at or between Mississippi City and Biloxi, through the town of Brandon to Canton, in Madison county : and said grant shall embrace all the public lands within fifteen miles on each side and along the entire length of said railroad, and shall also include the whole of the public lands in all the sections intersected by said boundaries: *Provided*, that it shall not be in the power of said railroad company to sell any of said lands lying within said limits, until the said company shall have built and equipped ten miles of said railroad, and in that event said company shall have power to sell the lands within the range of said ten miles and ten miles beyond, and so on as each ten miles are finished, until the whole road is completed: *Provided further*, That said railroad company may mortgage any of said lands subject to the foregoing provision. *And provided further*, That this act shall not apply to any of said lands lying along the projected line of said railroad ten miles beyond where the said railroad shall not be finished within twenty years from the passage of this act.

When to
be sold.

Mortgage

Former
grants
confirmed.

SEC. 2. *Be it further enacted*, That all the lands comprehended in a grant made by the Congress of the United States, approved August 11th, 1856, to the State of Mississippi, to aid in the construction of a railroad from the Gulf of Mexico to Brandon, which grant was accepted by the act of the Legislature of this State, approved February 1857, and which lands were donated to the Gulf and Ship Island railroad company, by an act of the Legislature of this State, approved December 3d, 1858, be and the same are hereby confirmed to said Gulf and Ship Island railroad company, together with all the rights and privileges, stipulations and conditions contained in the said act of Congress, which may or shall have attached to the same since the date of said original grant on the 11th day of August, 1856.

SEC. 3. *Be it further enacted*, That the registers of the several land offices in the districts in which any of the lands granted and confirmed by the first and second sections of this act shall lie,

shall each make out certified lists or schedules of said lands in their respective districts, one list or schedule for all the lands contemplated in the first section, and another for all the lands contemplated in the second section of this act, which lists or schedules said registers shall deliver to the said Gulf and Ship Island railroad company, as soon after the passage of this act as the same can be done, and said lists or schedules shall have the force and effect of, and be the deed for said lands from the State of Mississippi to the said Gulf and Ship Island Railroad Company.

SEC. 4. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

Approved, January 28, 1862.

CHAPTER CCXVII.

AN ACT to prevent the sale of vinous or spirituous liquor within five miles of Morton, in Scott county, in a less quantity than ten gallons.

Registers
to make
out certi-
fied lists.
Druggists,
&c., may
sell.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That it shall not be lawful for any person except druggists, apothecaries and physicians, to sell any vinous or spirituous liquor in a less quantity than ten gallons, within five miles of the school-house or academy, situated in the town of Morton and county of Scott.

Not less
than ten
gallons,
except, &c.

SEC. 2. *Be it further enacted*, That it shall not be lawful for druggists, apothecaries or physicians to sell any vinous or spirituous liquors in a less quantity than ten gallons within the limits prescribed in the first section of this act, except for medicinal, sacramental or culinary purposes only; and they shall in all cases require satisfactory evidence from the party offering to purchase, that the liquor is required for one of the purposes stated: *Provided*, That every druggist and apothecary within said limits before he shall sell any vinous or spirituous liquor within said limits for the purposes aforesaid, shall make an affidavit.

Affidavit.

and file the same in the office of the clerk of probate, that he will not sell any vinous or spirituous liquors within said limits for the purposes aforesaid, without being himself fully satisfied from the evidence furnished him by the purchaser, that the vinous or spirituous liquors are intended to be used for the purposes, and no other, above enumerated.

SEC. 3. *Be it further enacted*, That if any person shall sell any vinous or spirituous liquor in any quantity less than ten gallons, or if any druggist, apothecary or physician shall sell any vinous or spirituous liquor in a quantity less than ten gallons, except in good faith for medicinal, sacramental or culinary purposes, within five miles of the school-house or academy situated in the town of Morton, and county of Scott; or if any person shall directly or by any evasion or subterfuge, violate any provision of this act, and also any person who may own or have any interest in any vinous or spirituous liquor sold contrary to this act, shall be liable to indictment, and on conviction shall be fined not less than twenty-five dollars, nor more than five hundred dollars, or be imprisoned not less than one week nor more than three months, or both, at the discretion of the court.

Penalty
for viola-
tion.

Approved, January 29, 1862.

CHAPTER CCXVIII.

AN ACT to amend an act entitled an act to charter the Holly Springs and Hickory Flat Plank Road or Turnpike Company.

SEC. 1. *Be it enacted by the Legislature of the State of Mississippi*, That the Holly Springs and Hickory Flat Plank Road or Turnpike Company, shall have power and authority to put up and keep toll gates on either side of Tippah river, so as to compel all persons crossing said river within two miles either above or below where said turnpike road crosses to pay toll to said turnpike company, at the rates fixed in the charter, except the citizens of Marshall county, who shall be permitted to

Toll gates.

Who to cross free. cross on a bridge at Cowen's Mill, free of charge, and all the citizens of Marshall county who live on the east side of Tippah river shall be permitted to cross said turnpike free of charge.

Good road to be kept. SEC. 2. *Be it further enacted.* That the Holly Springs and Hickory Flat Turnpike Company shall keep up a turnpike road from the Holly Springs and Pontotoc road across Oaklimer Bottom by John B. Griffin's house, intersecting the Comersville road one mile nearer than the Old road by Cowen's Old mill.

Ministers, &c., cross free. SEC. 3. *Be it further enacted.* That all persons going to or returning from mill with corn or wheat to grind, or meal or flour made from grain so carried, shall pass over said turnpike road free of charge, and all ministers of the gospel shall also pass free of charge.

SEC. 2. *Be it further enacted.* That this act take effect and be in force from and after its passage.

Approved, January 27, 1862.

CHAPTER CCXIX.

AN ACT to repeal the gallon law, so far as it relates to the Town of Enterprize, in the county of Clark

SEC. 1. *Be it enacted by the Legislature of the State of Mississippi,* That all laws or parts of laws which prohibit the sale of vinous or spirituous liquors in less quantities than one gallon within five miles of the town of Enterprize in the county of Clark, be and the same are hereby repealed, and chapter 20 of the revised code being an act to regulate the sale of vinous and spirituous liquors, be and the same is hereby declared to be in force in said town of Enterprize.

SEC. 2. *Be it further enacted,* That this act shall take effect as soon as it is ascertained by the municipal authorities that said town of Enterprize has the number of inhabitants prescribed by the above recited act of the revised code, before the corporate authorities of any town, or city, in this

State, are authorized to grant license to sell intoxicating liquors in less quantities than one gallon.

Approved, January 27, 1862.

CHAPTER CCXX.

AN ACT entitled an act to amend an act to amend and reduce into one the act incorporating the city of Natchez, and the several acts amendatory thereto, approved March 1st, 1854.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the Mayor and Selectmen of the city of Natchez, in common Council convened, at such times as in their judgment the public welfare may demand, shall have power to organize, all the able-bodied free white persons within the ages of twenty-one and fifty years residing in said city, into a City Patrol, in addition to any other guard or city watch then in existence, to designate the duties of such patrol, the numbers to constitute the patrol for each night, on duty, and appoint the necessary Captains, or other officers, to affix penalties for the failure, either by the officers or privates to perform any prescribed duty, and generally to ordain and appoint all such other matters and things legitimately and necessarily pertaining to the efficiency of said City Patrol in securing the peace and safety of the city thereby.

City Patrol to be organized.

SEC. 2. *Be it further enacted*, That the Assessor and Collector of Taxes in the city of Natchez as now provided for, shall be elected by the Mayor and Selectmen of said city in common council convened, the qualification, duties, term of office, and bond or bonds to be ascertained, performed, executed, and the same as now required by law.

Officers, how elected.

SEC. 3. *Be it further enacted*, That all acts and parts of acts conflicting with the two preceding sections, be and the same are hereby repealed, and that this act be in force from and after its passage.

Approved, January 27, 1862.

CHAPTER CCXXI.

AN ACT in relation to the landing of freight from Steamboats at landings on the Mississippi river within the limits of this State.

Freight where to be placed. SECTION 1. *Be it enacted by the Legislature of the State of Mississippi,* That it shall be the duty of the officers of steamboats, in discharging freight at any landing on the Mississippi river within the limits of this State, to cause the same to be placed at the distance of at least fifty feet from the edge of the top bank of the river, and if the officers of any steamboat in landing freight, at any point on said river within the limits of this State, shall neglect or refuse to comply with the provisions of this act, then the captain and owner of such boat, or either of them, shall be liable to be fined in a sum not exceeding one hundred dollars, to be recovered by either the owner of such freight, or by the owner or keeper of such landing in any court of competent jurisdiction.

Penalty.

Freight at risk of boats. SEC. 2. *Be it further enacted,* That any freight discharged from any steamboat, in violation of the provisions of this act, shall be deemed to be left at the risk of such boat, at the point where discharged, and in case such freight shall be damaged by reason of its being so left, the captain and owner of such boat or either of them, shall be liable for damages, to double the amount of damage sustained by such freight, and if destroyed, then the said parties or either of them shall be liable for damages to the full amount of the value of the freight so destroyed, which damages may be recovered by either the owner of the freight or by the owner or keeper of the landing, at which such freight may have been discharged.

Damages.

SEC. 3. *Be it further enacted,* That the provisions of this act shall not apply to landings at the cities and towns on said river within the limits of this State.

SEC. 4. *Be it further enacted,* That this act shall take effect and be in force from and after its passage.

Approved January 27, 1862.

CHAPTER CCXXII.

AN ACT to defray the funeral expenses of the late Col. S. M. Philips.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the sum of one hundred and six 50-100 dollars be and the same is hereby appropriated to Mrs. Emma Phillips to defray the funeral expenses of the late Col. S. M. Philips, of 10th Regiment of Mississippi Volunteers, out of any money in the Treasury not otherwise appropriated, and that this act take effect and be in force from and after its passage.

Approved, January 27, 1862.

CHAPTER CCXXIII.

AN ACT for the relief of A. J. Walker, of Calhoun county.

WHEREAS, it appears by the certificate of the Auditor of Public Accounts that on the 12th day of July, 1860, the said Auditor issued a warrant on the Treasury amounting to 21 50-100 in favor of A. J. Walker, of Calhoun, which warrant was numbered 264; and whereas, it appears by the certificate of the State Treasurer that said warrant has never been paid, and whereas, it appears by the affidavit of the said Walker that some time in the month of July, 1860, he mailed the said warrant at Pittsboro. in Calhoun county, to the Treasurer at Jackson. for payment, and that the Treasurer informed him the letter containing the said warrant never reached him; therefore,

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the Auditor of Public Accounts is hereby authorized and required to issue his duplicate warrant on the Treasury in favor of A. J. Walker for the sum of \$21 50-100 in lieu of a warrant, numbered 264, issued on the 12th day of July, 1860, for like amount in favor of said

Walker and which warrant was lost in course of transmission to the Treasurer, and that this act take effect from its passage.

Approved, January 27, 1862.

CHAPTER CCXXIV.

AN ACT to provide for an appropriation of five thousand dollars to purchase pistols and sabres for the Tishomingo Rangers, a company raised for the war.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi,* That for the purchase of sabres and pistols for the use of the Tishomingo Rangers, a cavalry company raised for the war, the sum of five thousand dollars is hereby appropriated out of any moneys not otherwise appropriated in the State Treasury, and the Auditor is hereby authorized to issue his warrant on the Treasurer for the same, in favor of P. D. Roddy, captain of said company.

SEC. 2. *Be it further enacted,* That before said P. D. Roddy shall be entitled to apply for said appropriation he shall enter into bond in the penalty of ten thousand dollars, with two good securities, to be approved by the Governor, conditioned for the application of said money to the purposes provided herein.

SEC. 3. *Be it further enacted,* That upon said Roddy's making report of the application of said money, which he is hereby required to do, to the Quarter-Master-General, the said account shall be entered as a charge against the Confederacy, and presented for settlement as other claims now held by the State.

SEC. 3. *Be it further enacted,* That this act take effect and be in force from and after its passage.

Approved, January 27, 1862.

CHAPTER CCXXV.

AN ACT to revive a charter for bridge and turnpike granted to J. D. Brooks in 1856.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That an act to authorize J. D. Brooks, of Noxubee county, to build a bridge and erect a turnpike, approved 25th of February, 1856, be and the same is hereby revived, and the said Brooks shall have five years from the passage of this act to complete said bridge and turnpike and no other bridge or turnpike shall be erected within three miles of the bridge and turnpike of said Brooks after the expiration of said five years, and that said charter shall exist for twenty years from the passage of this act.

SEC. 2. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

Approved January 27, 1862.

CHAPTER CCXXVI.

AN ACT to authorize the Judge of Probate in the county of Scott to hold a Probate Court in said county the first Monday in each month.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That it shall be the duty of the Judge of Probate in the county of Scott to hold a Probate court in said county on the first Monday in each month.

SEC. 2. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

Approved January 25, 1862.

CHAPTER CCXXVII.

AN ACT to arm and equip Captain E. G. Wheeler's cavalry company, the Polk Rangers, now in camp at Columbus, Kentucky.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the sum of two thousand dollars be and the same is hereby appropriated out of any money in the Treasury not otherwise appropriated, for the purpose of arming and equipping Captain E. G. Wheeler's company of cavalry, the Polk Rangers, now in camp at Columbus, Kentucky.

SEC. 2. *Be it further enacted*, That the Auditor of Public Accounts be and he is hereby authorized and required to issue his warrant for the sum hereby appropriated in favor of the aforesaid Captain E. G. Wheeler upon his executing bond with good and sufficient security, payable to the State of Mississippi, conditioned for the faithful application of the sum appropriated by this act to the object contemplated, and for the return and delivery of the arms and equipments purchased, to the Governor of this State whenever said company shall be disbanded or discharged.

SEC. 3. *Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved, January 27, 1862.

CHAPTER CCXXVIII.

AN ACT to amend chapter 60, Revised Code, entitled an act providing for the establishment of the Probate courts, and for prescribing the mode of proceeding therein.

SEC. 1. *Be it enacted by the Legislature of the State of Mississippi*, That if the Judge of any Probate Court in this State, shall be absent at the time appointed for the holding any regular term of his court, as prescribed by law, the Sheriff may adjourn the court from day to day, for four days;

and if the Judge shall not appear by twelve o'clock at noon on the fifth day, the court shall stand adjourned for the term.

SEC. 2. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

Approved January 22, 1862.

CHAPTER CCXXIX.

AN ACT for the relief of Wm. B. Wynn, minor heir of Wm. Wynn, deceased.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That Robert E. Wynn, Guardian of William B. Wynn, minor, be, and he is hereby authorized; (by and with the consent of the Probate Judge of Yalobusha county) to purchase a farm or plantation; on which to work the slaves of said minor, also whatever is necessary to the proper working and care of the same, and make annual reports of the debts and credits thereof as in other cases.

SEC. 2. *Be it further enacted*, That the said Robert E. Wynn, Guardian, be, and is hereby authorized, by and with the advice and consent of the Probate Court, to sell any negroes belonging to said minor, which it may be the substantial interest of his estate to sell.

SEC. 3. *Be it further enacted*, That this act be in force from and after its passage.

Approved January 22, 1862.

CHAPTER CCXXX.

AN ACT for the relief of the minor heirs of Mrs. E. S. Brungarde, deceased, and for other purposes.

WHEREAS, Mrs. E. S. Brungarde, died several years since leaving a considerable personal estate in Vicksburg, Mississippi; and whereas, A. H.

Arthur, of said city, was appointed administrator of her said estate, by the Probate Court of Warren county, Mississippi; and whereas, the only children of said decedent, Harman, George, and Ada Brungarde, are minors, residing in the State of Georgia, and have a guardian appointed in the latter State by the proper courts thereof; and whereas, said Guardian is desirous of removing the property of said minors to the State of Georgia; whereupon,

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi,* That the Probate court of Warren county, upon the final settlement of the accounts of said Arthur as administrator aforesaid, is hereby empowered to order, and decree, that he shall pay over and deliver to the Guardian of said minors, all the moneys and effects, that may be in his hands as such administrator and to which they may be entitled as distributees of said decedent, first taking the receipt of said Guardian therefor; *Provided,* That before said effects are paid and delivered to him, said Guardian shall file in said Probate Court of Warren county, a duly certified copy of his letter and bonds as Guardian in the State of Georgia.

SEC. 2. *Be it further enacted,* That the receipt of said Guardian to said Arthur, for said effects, when taken in pursuance of this act, shall be as full a discharge to said Arthur, as if said Guardian had qualified as such in this act.

SEC. 3. *Be it further enacted,* That this act take effect and be in force from and after its passage.

Approved January 22, 1862.

CHAPTER. CCXXXI.

AN ACT in relation to the Private Secretary of the Governor, and for other purposes.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi,* That the Governor is hereby authorized to appoint a Private Secretary, who shall hold his office subject to the discretion of the Governor, not to extend beyond time for

which the Governor so appointing said Secretary, was elected. Said Secretary shall be paid at the rate of eight hundred dollars per year, for the time he may so be employed, which shall be paid out of the State Treasury on the warrant of the Auditor, to be issued on the certificate of the Governor.

SEC. 2. *Be it further enacted*, That the Governor is hereby authorized to employ such other clerical assistance as he may require in discharging the duties of his office. The compensation of said clerk or clerks shall not exceed the sum of three dollars per day, for each day they may so be actually employed; and shall be paid out of the Treasury of the State, on the warrant of the Auditor, to be issued on the certificate of the Governor. This act shall be in force from its passage.

Approved, January 22, 1862.

CHAPTER CCXXXII.

AN ACT to amend the fifth section, chapter three of the Revised Code.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the Assessors of this State in assessing the lands thereof, shall hereafter report on oath to the Boards of Police of their respective counties, at the first meeting of said Board, after completing their assessment rolls, or as soon thereafter as possible, a list of all valuations made by the owners of lands, which are in the opinion of such Assessors, twenty per cent. below the intrinsic value of such lands, whereupon like proceedings shall be had as now required in case of undervaluation of personal property.

SEC. 2. *Be it further enacted*, That all acts and parts of acts, coming in conflict with this act, be and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved, January 22, 1862.

CHAPTER CCXXXIII.

AN ACT supplemental to an act passed at the present session of this Legislature, entitled an act to provide for the establishment of Hospitals for the Mississippi troops, and for other purposes.

SECTION. 1. *Be it enacted by the Legislature of the State of Mississippi*, That in addition to the appropriation of twenty-five thousand dollars in the fifth section of the act, to which this is a supplement, the further sum of twenty-five thousand dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, and the Auditor is hereby required upon the requisition of the Governor, to issue his warrant on the Treasury for the same, said money, when received, to be appropriated in like manner as prescribed for the disposition of said twenty-five thousand dollars in the act to which this is a supplement.

SEC. 2. *Be it further enacted*, That the Governor shall require of the agents appointed or to be appointed under said act, bond with good and sufficient security, conditioned for the faithful disbursement of any part of said funds appropriated to them.

SEC. 3. *Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved, January 22, 1862.

CHAPTER CCXXXIV.

AN ACT granting leave of absence to the Probate Judge of Tallahatchie county.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the Hon. James Crawford, Probate Judge of the county of Tallahatchie have leave of absence from the State for three months.

SEC. 2. *Be it further enacted*, That this act shall take effect from its passage.

Approved, December 11, 1861.

CHAPTER CCXXXV.

AN ACT to extend an act entitled an act to regulate the fees of the Clerk of the Circuit and Chancery Courts of the county of Hinds to the county of Washington.

SECTION 1. *Be it enacted, by the Legislature of the State of Mississippi*, That the act aforesaid, be and the same is hereby extended and made applicable to the county of Washington.

SEC. 2. *Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved, December 4, 1861.

CHAPTER CCXXXVI.

AN ACT to amend an act entitled an act to incorporate the Mississippi Central Railroad Company, approved 10th March, 1862.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That in the event of a sale by the Mississippi Central Railroad Company of the stock of any insolvent, or delinquent subscriber, therefore, for any unpaid instalments thereon, as provided for in the sixth section of the above recited act, the said company may become the purchasers and the holders thereof; *Provided*, other bids are not made for the full amount of the installments due thereon.

SEC. 5. *Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved December 4, 1861.

CHAPTER CCXXXVII.

AN ACT in relation to the publication of legal notices.

SEC. 1. *Be it enacted by the Legislature of the State of Mississippi*, That all notices, publications and advertisements, required by law to be published in a newspaper, shall, when there is no newspaper published in the county where such publication ought to be made, be made by posting up copies thereof in five public places in the county, one of which shall be at the door of the Court-house. And it shall be the duty of the court, making any order of publication against an absent or non-resident party, to require the person applying for such order to state in his affidavit the residence of such absent or non-resident party if the same can be ascertained, and such court shall direct the clerk to transmit by mail a copy of such order to such absent or non-resident party.

SEC. 2. *Be it further enacted*, That publication made in the manner herein provided, may be proved by affidavit taken and filed, and shall have the same force and effect as if made in the manner now provided by law.

SEC. 3. *Be it further enacted*, That this act shall not apply to an act entitled "an act to provide for the better security of titles to lands held and claimed under tax sales and tax titles, approved February 10th, 1860.

SEC. 4. *Be it further enacted*, That this act take effect from its passage.

Approved, January 15, 1862.

CHAPTER CCXXXVIII.

AN ACT to suspend the collection of the Mobile and Ohio Railroad tax, in the county of Kemper.

SEC. 1. *Be it enacted by the Legislature of the State of Mississippi*, That an act to authorize the board of police of Kemper county to subscribe for stock in the Mobile and Ohio railroad, which

act was approved March 6, 1850, be and the same is hereby suspended until one year at least after peace shall be restored between the Confederate States of America and the United States, but, this suspension in no way shall impair or destroy any of the rights and privileges of said company in these taxes or any other matter.

Approved November 21, 1861.

CHAPTER CCXXXIX.

AN ACT to be entitled an act making certain appropriations therein named.

SEC. 1. *Be it enacted by the Legislature of the State of Mississippi*, That the following sums be allowed and paid out of any money in the treasury not otherwise appropriated :

ART. 1. To L. Julienne, for stationery furnished in December last, the sum of six 75-100 dollars.

ART. 2. To A. Virden, for hauling sand and water to State capitol, in November, 1861, the sum of fifty dollars. (\$50.)

ART. 3. To James Taylor, for services of boy Peter, twenty-one days in January, 1861, the sum of thirty-one 50-100 dollars. (\$31 50.)

ART. 4. To J. B. Morey, for stationery furnished the Legislature this session, the sum of seventeen 50-100 dollars. (\$17 50.)

ART. 5. To J. S. Sizer, for stationery furnished the Legislature this month, the sum of five dollars. (\$5.)

ART. 6. To J. Z. George, of Carroll county, for services as attorney in prosecuting before justice of the peace, R. J. McGinty, for forgery in seven cases, the sum of fifty dollars.

ART. 7. To I. Strauss, for articles furnished the keeper of the capitol, as per account herewith rendered, the sum of thirty-three 65-100 (\$33 65.)

ART. 8. To Cooper & Kimball, (Mississippian office) for public printing this session, the sum of forty-four 20-100 (\$44 20.)

ART. 9. To Mrs. Margaret Saunders, for seventeen days' services of boy Jim, since recess in attending on this house, the sum of thirty-four dollars (\$34.)

ART. 10. To James Daniel, for hire boy A. Reid, for seventeen days' services since recess in attending this house, the sum of thirty-four dollars (\$34)

ART. 11. To C. A. Moore, for stationery furnished the State officers and legislature, the sum of nine 75-100 dollars (\$9 75.)

SEC. 2. *Be it further enacted*, That this act be sufficient authority for the payment of the respective sums of money hereinbefore specified: *Provided*, the auditor of public accounts shall be and is hereby required to take from the persons respectively to whom appropriations are herein made, a receipt in full to this date for services and items stated in their respective claims, and this act shall take effect and be in force from and after its passage.

Approved, January 29, 1862.

CHAPTER CCXL.

AN ACT for the relief of the Judges of the Circuit Court of this State, in certain cases.

SEC. 1. *Be it enacted by the Legislature of the State of Mississippi*, That no deduction shall be made from the salary of any circuit judge in this State, on account of his failure to hold any term of the court in his district, which by law ought to have been or to be held during the year one thousand eight hundred and sixty-one, and that this act take effect from its passage.

Approved November 21, 1861.

CHAPTER CCXLI.

AN ACT to direct the Register to sell certain Lands to Thomas S. Red.

WHEREAS, There are now on the west bank of

Lake Washington, certain vacant unappropriated lands which are not subject to be sold by the register and receiver of the land office under existing laws, and the said land being of value to Thomas S. Red, whose plantation is situated back of said land, and he being desirous of purchasing said lands, and being willing to pay the expense of surveying the same, and also the usual price for government lands : Therefore,

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the register of the land office be and he is hereby authorized and directed to sell to Thomas S. Red, all the unappropriated lands lying and being on the west bank of Lake Washington, in front of sections 11, 13, 14 and 15, of township 14, range 8 west, upon the following terms, to-wit : That the said Red shall pay all expenses that may be incurred in surveying said lands, and shall also pay the sum of one dollar and twenty-five cents per acre for all of said lands included in said survey.

SEC. 2. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

Approved, January 27, 1862.

CHAPTER CCXLII.

AN ACT to amend an act approved February 28, 1856, entitled an act to amend an act approved March 16, 1852, for the reclamation of the swamp and overflowed public lands, and for the improvement of the navigation of the various rivers and streams in this State, so far as the same relates to the county of Choctaw, and for other purposes.

SECTION 1: *Be it enacted by the Legislature of the State of Mississippi*, That the board of police of Choctaw county, be and they are hereby authorized to borrow from the commissioners of swamp lands in said county, all monies now in the hands of the treasurer of said commissioners, or belonging to said fund and not needed to pay for work already done or contracted for under the

Board of
Police au-
thorized
to borrow.

provisions of the act to which this is an amendment; and said board of police shall issue to the treasurer of said fund, a county warrant for the amount so borrowed, bearing interest at ten per cent. per annum, until paid; and it shall be the duty of said board of police to open an account with the treasurer of the commissioners of swamp lands in said county; and whenever any money may be due for work, hereafter contracted for and done under the provisions of the act to which this is an amendment, it shall be the duty of the board of police to issue their warrant for the same, payable to the treasurer of swamp land commissioners, and bearing interest at the same rate until paid, which shall be credited on the original warrant, and the account thus kept until the whole amount of principal and interest shall be drawn for by the treasurer of swamp land commissioners, and the warrants so drawn by said treasurer shall be receivable in payment for work hereafter contracted for and done under the provisions of the act to which this is an amendment, and in payment of the county taxes of said county.

Warrants
to be is-
sued bear-
ing 10 per
cent. in-
terest.

Warrants
when re-
deemed.

SEC. 2. *Be it further enacted*, That upon receiving the money loaned under the first section of this act, it shall be the duty of the board of police of said county, to cause the same to be placed in the county treasury of said county, and set apart for the redemption; first of all warrants issued under the first section of an act to extend the powers and to confirm the acts of the board of county police in certain cases, approved August 2, 1861, if there be an amount sufficient therefor, and to appropriate the balance to the payment of other claims against said county; it shall be the further duty of said board to revoke the levy of the special tax made under the first section of the above recited act, called the military relief tax, if a sufficient amount be borrowed to pay the tax thus levied; and if not sufficient to pay the whole amount of said tax, then the said board shall reduce such levy so as to meet the balance of the tax imposed by said levy, and the county treasurer of the county shall be allowed one per cent. upon the amount so borrowed, as commissions for receiving

and disbursing the same, and the clerk of said board such compensation as they may allow, both to be paid out of the county treasury. Compensation to treasurer and clerk.

SEC. 3. *Be it further enacted*, That the first section of the act to which this is an amendment, be and the same are hereby so amended as to authorize and require the swamp land commissioners of said county, whenever any owner of disconnected tracts of swamp and overflowed lands may desire it, to appropriate the whole amount of money paid into the swamp land fund for the different tracts so owned, to the reclamation of any one tract selected by the owner thereof; and it shall be the duty of the commissioners of swamp lands whenever applied to by any owner thereof, to proceed to contract for the leveeing or draining of the tract so selected under the provisions of this act, and the act to which this is an amendment; and upon the completion of the work contracted for, it shall be the duty of the treasurer of the commissioners of swamp lands to apply to the board of police, whose duty it shall be to issue to said treasurer, under the provisions of the first section of this act, a warrant for the amount of work done, which shall be paid by him to the person authorized to receive the same, from said treasurer, for the work so done. Commissioners to contract for leveeing.

SEC. 4. *Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved November 29, 1861.

CHAPTER CCXLIII.

AN ACT for the relief William Rice Hooker, a minor, of Hinds County.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the Sheriff and Tax Collector of Copiah County, be and he is hereby authorized to correct the assessment of the personal property belonging to the estate of Z. Hooker, deceased, of Copiah County, and the assessment

of the personal property belonging to William Rice Hooker, a minor, now absent from the State, in the army, so as to assess the property belonging to said minor, in his own right to the guardian of said minor, and the personal property belonging to the estate of Z. Hooker, deceased, to the administrator of said estate.

SEC. 2. *Be it further enacted*, That said assessment shall be in all respects as valid and legal binding when made according to the provisions of the first section of this act as if the same had been made by the legally constituted assessor of said county.

SEC. 3. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

Approved January 27, 1862.

CHAPTER CCXLIV.

AN ACT to amend an act entitled an act to incorporate the Town of Oakland, in Yalobusha County, approved February 28, 1848.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That so much of an act entitled an act to incorporate the town of Oakland in Yalobusha County, as defines the original limits of said town, be and the same is hereby repealed, and the corporate boundaries of said town of Oakland shall be confined to the addition made to said town by an act approved February 10th, 1860, entitled an act to amend an act entitled an act to incorporate the town of Oakland, in Yalobusha County, approved February 28, 1848.

SEC. 2. *Be it further enacted*, That all the provisions of said first mentioned act, except so much of the first section thereof as is hereby repealed, shall apply to said town of Oakland, as limited after the passage of this act.

SEC. 3. *Be further enacted*, That this act shall take effect and be in force from and after its passage.

Approved, January 27, 1862.

CHAPTER CCXLV.

AN ACT to remove the civil disabilities of John Estelle Tarpley, a minor, of the County of Hinds, so far as to allow him to make a last will and testament.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the civil disabilities of John Estelle Tarpley, a minor, of the County of Hinds, be so far removed as to allow him to make a last will and testament, devising all property, real or personal, to which he is now entitled, or may hereafter become entitled in the possession of any person whatever, and that the said will and testament have the same force and effect as though said minor had attained the age of majority prescribed by law.

SEC. 2. *Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved, December 4, 1861.

CHAPTER CCXLVI.

AN ACT to remove the civil disabilities of Shepherd Washington, a minor, of the County of Hinds, so far as to enable him to make a last will and testament.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the civil disabilities of Shepherd Washington, a minor, of the County of Hinds, be so far removed as to allow him to make a last will and testament, bequeathing all property, real and personal, to which he may be now entitled, or may hereafter become entitled, now in the hands of his mother, Mrs. H. P. Washington, of said county, or any other person whatsoever, and that the same have the same [binding,

force and effect as though said minor had attained the age of majority prescribed by law.

SEC. 2. *Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved, November 20, 1861.

CHAPTER CCXLVII.

AN ACT in relation to suits pending in which alien enemies are plaintiffs.

Be it enacted by the Legislature of the State of Mississippi, That it shall be lawful for any court in this State, in which any suit may be pending in favor of an alien enemy, to order, on motion for that purpose, that the same be prosecuted to judgment and execution in the name of such plaintiff for the use of the Confederate States of America, but all proceedings subsequent to such order, in all cases coming within the purview of any act passed, or to be passed, to delay the collection of debts during the present war, shall be subject to the provisions of said acts, and suits shall not abate by reason of the death of the original plaintiff, but shall be proceeded with in the same manner as if brought in the name of the said Confederate States; and that this act take effect from its passage.

Approved, December 20, 1861.

CHAPTER CCXLVIII.

AN ACT to amend the third section, chapter forty-eight of the Revised Code.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That from and after the passage of this act, in all trials under writs of *habeas corpus*, where the State shall be a party, and shall not be represented by counsel, judge or court before whom such trial shall be had, may appoint an attorney to represent the State in such trial, and

such attorney so appointed, shall be entitled to receive for his services such fees as such judge or court shall certify to be reasonable and just, not to exceed in any case the sum of one hundred dollars, for the payment of which the Auditor of Public Accounts shall issue his warrant on the presentation of such certificate.

SEC. 2. *Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved December 6, 1861.

CHAPTER CCXLIX.

AN ACT to arm Capts. J. W. Barnett and Robert Muldrow's Cavalry Companies now in the Service of the Confederate States.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the breach loading rifles and such other guns and accoutrements as may be suitable for cavalry service, now in the armory of the State, or belonging to the State, be and the same are hereby appropriated to the use of Capts. James W. Barnett and Robert Muldrow's companies, or so many thereof as are necessary to equip said companies, who have been mustered into the service of the Confederate States for and during the war.

SEC. 2. *Be it further enacted*, That said arms be distributed to said companies under the same rule and regulations which have controlled the distribution of arms received from the State by other volunteer companies and regiments, and that this act take effect from and after its passage.

Approved, November 12, 1861.

CHAPTER CCL.

AN ACT in relation to testimony in certain cases.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That whenever a party

to a suit in chancery, or other interested person, shall be examined as a witness before the court, his testimony at the time of its delivery shall be reduced to writing by the clerk, or other person appointed by the court, signed by the witness and authenticated by the clerk, or other person so appointed; whereupon said testimony shall be filed as a paper in such suit, and this act shall be in force from its passage.

Approved, November 25, 1861.

CHAPTER CCLI.

AN ACT in relation to the State Lunatic Asylum.

Trustee. SECTION 1. *Be it enacted by the Legislature of the State of Mississippi,* That the Superintendent of the Lunatic Asylum shall hereafter be called and known as the Trustees of said institution, and if at any time the term of office of said Trustees or any of them shall expire before the appointment and qualification of their successors, the said trustees shall continue in office until their successors shall be appointed and qualified.

Accounts to be kept separate. SEC. 2. *Be it further enacted,* That it shall be the duty of the Superintendent and the Trustees as far as practicable to keep the accounts of the paying patients in the said Asylum separate and apart from those respecting the other inmates thereof.

SEC. 3. *Be it further enacted,* That the appropriations made for the support of the said Asylum shall hereafter be payable out of the State treasury quarterly in advance.

Contingent fund. SEC. 4. *Be it further enacted,* That the sum of five thousand dollars, be, and the same is hereby appropriated as a contingent fund for the benefit of said Asylum, to be expended on the requisition of the Governor, when necessary, to replace any loss to the institution in consequence of the discount on Auditor's warrants or otherwise.

SEC. 5. *Be it further enacted,* That any now paying patient may be discharged by the Superintendent from the said institution, on the applica-

tion of relatives or friends of said patient, *Provided*, the superintendent shall consider such patient to be harmless and inoffensive, and shall also be satisfied by affidavits or otherwise that such relatives or friends are able and willing to provide for and take proper care of such patient.

Pay patients may be discharged.

SEC. 6. *Be it further enacted*, That this act shall take effect from its passage.

Approved, January 15, 1862.

CHAPTER CCLII.

AN ACT to amend article fifty eight, section eleven, chapter thirty-three of the Revised Code, entitled an act in relation to slaves, free negroes and mulattoes

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That so much of said fifty-eighth article as makes the attempt, by any slave to commit murder on the person of any slave, free negro or mulatto, punishable with death, be and the same is repealed, and that such attempt shall be tried and punished according to the sixty-eighth article, section twelve of said chapter.

SEC. 2. *Be it further enacted*, That this act take effect from and after its passage.

Approved, December 12, 1861.

CHAPTER CCLIII.

AN ACT to provide for the accommodation of the Courts of the Confederate States.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That it shall be lawful for the Court of the Confederate States for the District of Mississippi to hold its sessions in the City Hall, in the City of Jackson, in which the District and Circuit Courts of the United States were held, and for the Clerk and other officers of the said

Confederate Court to have the use of the same rooms in the said City Hall; that were appropriated to the same officers of the said United States Courts; and the State of Mississippi hereby cedes to the Confederate States of America the full right to the use of said rooms in the same manner as the same, before the secession of the State of Mississippi, was vested in the said United States, and that this act shall take effect from its passage.

Approved, December 12, 1861.

CHAPTER CCLIV.

AN ACT to authorize the Board of Police of Tishomingo County to sell the Poor House and lands connected therewith.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the Board of Police of Tishomingo County are hereby authorized to sell and convey on such time and terms as they may think proper, the Poor House in said county, together with all the lands and appurtenances connected with the same, and that the proceeds arising from such sale shall be paid into the poor fund of said county to be used as other pauper funds are.

SEC. 2. *Be it further enacted*, That nothing in this act shall be so construed as to prevent the Board of Police or overseers of the poor of said county from employing and contracting with a superintendent or keeper of the poor, as now required by law, at such other place or places, in said county as they may deem best, and that said Board of Police shall also have the right, and are hereby authorized to purchase land and erect buildings thereon for the purposes of the Poor House, at any other place in said county, that in the opinion of said Board may be most suitable.

SEC. 3. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

Approved, December 12, 1861.

CHAPTER CCLV.

AN ACT to repeal an act entitled an act to prohibit the sale of spirituous and vinous liquors in the town of Houston in the county of Chickasaw, approved December 3d, 1858.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the foregoing act be, and the same is hereby repealed, so far as the same applies to the town of Houston, in Chickasaw county, and that this act take effect and be in force from and after its passage.

Approved, November 29, 1861.

CHAPTER CCLVI.

AN ACT to legalize the assessment of taxes in the county of Lawrence, for the year 1861.

WHEREAS, it is required that the assessors of the several counties in this State shall certify their assessment rolls, and deliver the same to the clerk of the Probate Court of his county, on or before the 1st Monday of October in each year; and whereas, the assessment roll for 1861, of the county of Lawrence was not returned until the second Monday of November, creating a doubt as to its legality:

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That said assessment is hereby legalized and confirmed, any law to the contrary notwithstanding.

Approved, December 11, 1861.

CHAPTER CCLVII.

AN ACT in relation to evidence of title in certain cases.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That patents issued by the United States to citizens of the State of Mississippi

or of any State of the Confederate States of America, and delivered after the 9th day of January, A. D., 1861, in cases where the entry was made and the land paid for before the said 9th day of January, A. D. 1861, shall have the same force and effect as evidence of title, and shall be admissible as evidence in all the courts of this State in the same manner and to the same extent as patents to land issued by the United States, prior to the 9th of January 1861, and that this act shall take effect and be in force from and after its passage.

Approved, December 16, 1861.

CHAPTER CCLVIII.

AN ACT to amend chapter 64, section 10, of the Revised Code, relating to the circulation of small bills, and for other purposes.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That section 10, of chapter 64, of the Revised Code, be so amended that during the continuance of the war between the Government of the Confederate States of America, and the United States of America, and for twelve months after the conclusion of said war by treaty of peace, said section shall be suspended so far as to authorize the circulation of bank notes of a less denomination than five dollars, and not less than one dollar, when such bills are issued by banks chartered by any of the States of the Confederate States.

SEC. 2. *Be it further enacted*, That no prosecutions shall be hereafter commenced for violations of article 26, of section 10, of chapter 64, during the period of suspension above indicated; *Provided*, That all amounts under one dollar shall remain under and be subject to the provisions of the above recited act, in the same manner as if this act had not been passed, and prosecutions already commenced shall be dismissed upon the payment of costs by the accused.

SEC. 3. *Be it further enacted*, That this act shall take effect from and after its passage.

Approved December 16, 1861.

CHAPTER CCLIX.

AN ACT in relation to the Penitentiary.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That hereafter all transactions in relation to the purchase of raw cotton and wool, and the receipts and sale of cotton and woolen fabrics, by the respective officers of the Penitentiary of this State, shall be kept separate and apart, from all the other business of the said Institution, in a book to be termed the "Cotton Book." Under one head, the Clerk of the Penitentiary, shall keep the number of pounds of raw cotton and wool alleged to have been purchased by the Superintendent, the price per pound, the time of its purchase, and the date and aggregate amount of payment for the same. Under another head shall be kept by said Clerk, the number of yards of cotton and woolen manufacture received from the Superintendent—the character of said fabrics, and the date of their receipt. Under another head, shall be kept by said Clerk, the number of yards of cloth sold by him, its character, the date when sold, and the price for which the same was sold; said entries in the said "Cotton Book" shall begin and close, with the fiscal year hereinafter specified, and the said Clerk is hereby required to enter in the said book, the number of pounds of cotton and wool, as near as may be, and the number of yards of cloth that were on hand the first of October last, together with the amount of cotton and wool bought since, their price, and the date of purchase; also, the number of yards of cloth sold since the said first of October, the date of sale, and the price at which the same was sold, and the number of yards received from the said Superintendent, so as to separate all entries made since the first of October last, in relation to cotton and wool or

Accounts
how kept.

cotton and woollen cloth, from the general business of the Penitentiary, as required in this section.

Fiscal year. SEC. 2. *Be it further enacted,* That the fiscal year, in reference to the business and affairs of the Penitentiary, shall hereafter begin on the first day of October, and end on the thirtieth day of September inclusive; and the officers of said Institution are required to keep their accounts in accordance therewith.

SEC. 3. *Be it further enacted,* That the second section of an act entitled an act to provide for the sale of goods, wares and merchandise, manufactured in the Penitentiary, approved Feb. 11th, 1860, be and the same is hereby repealed; and that hereafter the Clerk of the Penitentiary shall keep his office at said Institution.

SEC. 4. *Be it further enacted,* That all laws and parts of laws in conflict with this act, are hereby repealed, and that this act be in force from its passage.

Approved, January 15, 1862.

CHAPTER CCLX.

AN ACT for the relief of W. F. Stearns, T. J. Wharton, and the Estate of D. Mayes, deceased.

WHEREAS, In 1853, D. C. Glenn, then attorney-general, retained W. F. Stearns, T. J. Wharton, and D. Mayes, as assistant counsel under the law in force, authorizing him so to do, on behalf of the State, in the case then pending in the High Court of Errors and Appeals, in which the State of Mississippi was appellant, and H. Johnson, appellee, involving the question of the liability of said State for the bonds issued and sold by the Union Bank: and whereas, said Glenn, as attorney-general aforesaid, stipulated to pay them each the sum of one thousand dollars for their services in this behalf, and the legislature at its session in 1854, ordered payment to each of said parties so retained, of the sum of five hundred dollars, or one-half of the amount stipulated to be paid to

them; and whereas, the said parties accepted the said sum of five hundred dollars each, and instituted suit in the Chancery Court for the balance due them; and whereas, decrees were entered in said court on the 26th day of January, 1855, in favor of said parties, each for the sum of five hundred and fifty dollars and nine cents, with interest at the rate of six per centum per annum from said 26th January, 1855, from which decrees the State prosecuted appeals to the High Court of Errors and Appeals: and whereas, on the 9th day of June, 1855, said decrees were affirmed in said High Court of Errors and Appeals, in all things: and whereas, no part of either of said decrees has been paid, but the same remain in full force, unpaid and unreversed: Therefore,

SEC. 1. *Be it enacted by the Legislature of the State of Mississippi*, That the auditor of public accounts, he, and he is hereby authorized and directed to issue warrants to W. F. Stearns, T. J. Wharton, and the executor or administrator of D. Mayes, deceased, for the sum of five hundred and forty dollars and nine cents, and interest thereon from the 26th day of January, 1855, the date of the decrees recovered by them in the Superior Court of Chancery, to this date.

SEC. 2. *Be it further enacted*, That this act take effect and be in force from and after date.

Approved, January 25, 1862.

CHAPTER CCLXI.

AN ACT to regulate the action of the Police Courts, in certain cases.

SEC. 1. *Be it enacted by the Legislature of the State of Mississippi*, That it shall not be lawful for any member of the board of police of any county in this State, or any levee commissioner to take, or be interested in any contract for any public work within the county, at any time while he shall be a member of said board, or while he shall be

such commissioner; and any person offending against the provisions of this act shall be liable to indictment, and on conviction shall be fined not exceeding five hundred dollars, or imprisoned not exceeding six months, and such contracts shall be void.

Approved December 16, 1861.

CHAPTER COLXII.

AN ACT to legalize the assessment of taxes in the county of Warren, for the year 1861, and for other purposes.

WHEREAS, The assessment roll in and for said county has not been properly made out, corrected and sent to the auditor, as the law requires: and whereas, the board of police of said county has directed said roll to be corrected, and a correct copy thereof returned to said auditor: Therefore,

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That said assessment roll, when corrected and returned to the auditor, shall be valid to all intents and purposes, and said assessment be as valid as if all the provisions of the law had been complied with.

SEC. 2. *Be it further enacted*, That W. A. Hopkins, the assessor of said county, be, and he is hereby entitled to receive his compensation for said assessment, in the same manner as if no error had been made, and this act be in force from and after its passage.

Approved December 12, 1861.

CHAPTER CCLXIII.

AN ACT for the protection of Robert D. Haden, Receiver of Public Monies at Columbus, Mississippi, and his securities, and for other purposes.

WHEREAS, Robert D. Haden, late receiver of public monies at the land office at Columbus, Mississippi, under the government of the United

States, has in his possession money received from the sales of public lands as such receiver, prior to the act of secession by Mississippi : Therefore,

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That it shall be lawful and that it is hereby made the duty of Robert D. Haden, late receiver of public monies under the government of the United States, at the land office at Columbus, Mississippi, to pay over to the treasurer of the State of Mississippi, all money in his hands, or which he may have received on account of the sale of public lands sold by him, and which has not been settled or accounted for by him with the government of the United States, after deducting the proper fees and charges to which the said Robert D. Haden may be entitled,

SEC. 2. *Be it further enacted*, That the State of Mississippi will protect, defend and hold harmless the said Robert D. Haden, and his securities, upon his official bond as receiver aforesaid, their heirs, executors, administrators and assigns, against any and all damages or loss which they or either of them may sustain or be liable to, on account of the compliance of the said Robert D. Haden with the provisions and requirements of this act.

SEC. 3. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

Approved December 12, 1861.

CHAPTER CCLXIV.

AN ACT making certain appropriations therein named.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the following sums be allowed out of any money in the Treasury not otherwise appropriated :

ART. 1. To J. E. Rogers, of Tippah, \$11 28-100 dollars for an improper assessment of merchandize for the year 1860.

ART. 2. To L. Julienné, for stationery furnished the Legislature, the sum of Eighty-eight and 85-100 dollars, (\$88 85-100.)

ART. 3. To J. B. Morey, for stationery furnished the Legislature the sum of fifteen 80-100 dollars, (\$15 80-100)

ART. 4. To C. A. Moore, for stationery furnished the Legislature, the sum of eleven dollars, (\$11.)

ART. 5. To J. S. Sizer, for stationery furnished the Legislature, the sum of fifty-one dollars, (\$51.)

ART. 6. Benj. B. W. Lee, assessor of Marion county, the sum of two hundred dollars, (\$200.)

ART. 7. To C. R. Dickson, Postmaster, Jackson, for postage on public documents mailed by House of Representatives per resolution, the sum of one hundred and twenty and 60-00 dollars.

ART. 8. To B. L. Buck, Esq., for services as District Attorney *pro tem.* for biennial Court of Warren county, at November term, 1861, the sum of eighty-three and 33-100 dollars, (\$83 33-100.)

ART. 9. To Joseph G. Conwell, of Itawamba county, for over assessment on land for the year 1857, the sum of twelve 5-100 dollars, (\$12 5-100.)

ART. 10. To James Daniel, for services of A. Reid, a free boy of color, for forty-seven days attendance as servant upon the House of Representatives, from the 4th of November to 20th December, 1861, the sum of ninety-four dollars, (\$94.)

ART. 11. To Mrs. M. Saunders, forty-seven days attendance upon the House of Representatives, from November 4th to December 20th, 1861, the sum of ninety-four dollars, (\$94.)

ART. 12. To Messrs. Kimball & Cooper, (Mississippian Office,) for printing for the Legislature at regular session from November 4th to December 20th, 1861, the sum of nine hundred and fifty and 80-100 dollars, (\$950 80-100.)

ART. 13. To Messrs. Power & Cadwallader, for five hundred envelopes, the sum of seven 50-100 dollars, (\$7 50.)

ART. 14. To Thomas Malone & Co., for improper assessment of merchandize for the year 1860, the sum of thirty dollars, (\$30.)

ART. 15. To Mrs. Amanda J. Harris, of Lawrence county, the sum of four 40-100 dollars for

over assessment for the year 1859, on slaves, (\$4 40-100.)

ART. 16. To V. A. W. Anderson, the sum of eighty-three and 33-100 dollars, for services rendered as District Attorney *pro tem.* in the Circuit Court of Warren county.

ART. 17. To Charles T. Bradford the sum of thirty-four and 50-100 dollars, being witness fees allowed Newett Drew and C. W. Standard, State witnesses, in the case of the State *vs.* Matthews, allowed said witnesses by the biennial Court of Issaquena County, and transferred by them to said Bradford.

ART. 18. To Samuel Livingston, Clerk, &c., for costs in State cases, in the High Court of Errors and Appeals, wherein the State was adjudged to pay the costs, which have been decided since the first day of January, 1860, the sum of one hundred and seventy-three dollars and twenty-five cents, (\$173 25.)

ART. 19. To Mrs. Martha Kennon, for services of boy Jeffrey, in attendance on Senate during passed session, and also fourteen days in fitting up halls of the Legislature, before the meeting of the same, and for paste furnished by the boy Jeffrey for the use of the Senate, amounting in all to the sum of one hundred and fifty-five dollars and fifty cents.

ART. 20. Mrs. Price, for hire of negro man for cutting wood for State House, for two months and eight days, at twenty-three dollars per month, making fifty four dollars.

SEC. 2. *Be it further enacted,* That this act shall be sufficient authority for the payment of the respective sums of money hereinbefore specified, *Provided,* that the Auditor of Accounts shall be, and he is hereby required to take from the persons respectively, to whom appropriations are herein made, a receipt in full to this date, for services and items stated in their respective claims, and this act shall take effect and be in force from and after its passage.

Approved January 28, 1862.

CHAPTER CCLXV.

AN ACT authorizing the issuance of Treasury Notes on behalf of the State.

\$2,500,-
000 to be
issued.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi*, That the Governor and Auditor of this State are hereby required, as soon as possible, to contract for the printing upon electrotype plates, of two and a half millions of dollars of the Treasury Notes of this State, which notes, signed by the Treasurer, and countersigned by the Auditor of Public Accounts, and ornamented with such designs as the Treasurer and Auditor may adopt, shall read on their face as follows :

Form.

"The State of Mississippi promises to pay to bearer _____ dollars at the Treasury Office.

Issued _____ day of _____ 186

_____ Auditor, _____ Treasurer.

Denomi-
nation.

And on some portion of the face of said notes shall be inserted as follows : "Faith of the State pledged ;" "Fundable in bonds bearing eight per cent., payable in ten years, when not less than five hundred dollars are presented." "Receivable in payment of all dues to the State." Said notes shall be printed in denominations of five, ten, twenty, fifty, one hundred and five hundred dollars, and in such proportions of each as the said Governor and Auditor may determine. Said plates shall be soldered up in a tin box and deposited in the office of the treasury.

Military
fund crea-
ted.

SEC. 2. *Be it further enacted*, That the said notes, when procured, shall be deposited with the Treasurer, in the treasury of the State, and shall constitute a military fund to be expended in the defense of the State. All sums heretofore appropriated for military purposes, may be paid out of the said fund, and the Governor of this State is hereby authorized to draw his order upon the Auditor, who shall draw his warrant upon the Treasurer, in favor of such persons and in such sums, and for such purposes as he may deem necessary in

providing for the military exigencies and general defense of the State.

SEC. 3. *Be it further enacted*, That the Treasury Notes hereby authorized, may be funded as follows: Any person holding not less than the sum of five hundred dollars of said notes, may present the same to the Treasurer, for the purpose of funding the same, and thereupon a bond of this State, bearing interest at the rate of eight per cent. per annum, and payable in ten years from the date of the same, shall be issued to such persons for the amount as presented aforesaid, which said bond shall be signed by the Governor and countersigned by the Auditor and Treasurer of the State. Said Treasury notes so exchanged for said bonds, shall be immediately cancelled in some unmistakable manner, by the Treasurer and Auditor, in the presence of each other; and the notes so cancelled shall be delivered to the Treasurer to be deposited in the treasury of the State. The said Treasurer shall keep books showing the amount of said notes so funded, the persons to whom, the amount in which, and the time when said bonds were issued, together with such other entries as may be necessary to explain and preserve his actings and doings under this act. The Auditor shall keep a record in his books of the amount of said notes cancelled, the date of such cancellation and the persons to whom the same were presented and returned.

Treasury notes how funded.

Notes, when and how cancelled.

SEC. 4. *Be it further enacted*, That the said Treasury notes shall be receivable in payment of all taxes and other debts due to this State, except the tax authorized by an ordinance, passed January 26th, 1861, for the payment of the Treasury Notes issued by virtue of the same.

Notes, for what receivable.

SEC. 5. *Be it further enacted*, That the faith of the State of Mississippi is hereby pledged for the ultimate redemption and payment of the notes and bonds authorized to be issued by this act.

Faith of the State pledged.

SEC. 6. *Be it further enacted*, That all funds which now are, or which hereafter may be, in the treasury, not otherwise appropriated, and all funds which may be obtained from the Confederate States in discharge of their indebtedness to this State, are hereby appropriated as far as necessary,

Appropriation for printing.

Governor
may ex-
cute bond.

to the payment of the debt contracted for the printing of said notes, and the Governor is authorized to draw his order on the Auditor who shall draw his warrant on the treasurer for the amount of said debt. In addition to the said appropriation, the Governor is hereby authorized, if in his opinion it may be necessary, to procure the printing of said notes at the earliest period, to execute the bond of this State for the amount of said debt, bearing ten per cent. per annum interest from its date, and payable at such time as he may agree, and for the payment of said bond, the faith of the State is hereby pledged.

Auditor
and Treas-
urer may
employ
clerks.

SEC. 7. *Be it further enacted*, That the Auditor and Treasurer are hereby authorized to employ the services of such clerks as may be retained in their offices, under any previous law, in carrying out the purposes of this act; and should said clerks be insufficient, then the said Auditor and Treasurer are hereby authorized to procure the services of such clerks as may be necessary to that end; *Provided*, the pay of said clerks shall not exceed the rate of eight hundred dollars a year for the time they may be so employed, and any money in the treasury not otherwise appropriated is hereby appropriated to their payment.

Pay of
clerks.

SEC. 8. *Be it further enacted*, That this act be in force from its passage.

Approved January 29, 1862.

CHAPTER CCLXVI.

AN ACT to amend the charter of the Columbus Life and General Insurance Company, and the Mississippi Mutual Insurance Company.

WHEREAS, The Columbus Life and General Insurance Company, acting under and by virtue of a charter or act of incorporation, from the legislature of the State of Mississippi, with an actual capital paid in of three hundred thousand dollars, has been in successful operation for a number of years, paying a large amount of taxes into the State treasury annually: and whereas, there has arisen an emergency in the financial affairs of the country requiring the employment of concentrated banking

capital or credit, either of our own or some other State or States : Therefore,

SEC. 1. *Be it enacted by the Legislature of the State of Mississippi*, That the Columbus Life and General Insurance Company, be, and they are hereby authorized and empowered to issue and put in circulation as the representative of money, notes or bills, equal in amount to double the amount of their actually paid up capital, under the following rules, regulations, immunities, rights, privileges and liabilities, in addition to those granted or imposed in the charter of said company, as it now exists, to which this act is an amendment.

Notes to circulate as money authoriz'd to be issued.

SEC. 2. *Be it further enacted*. That in addition to the capital stock of said company, the individual stockholders, or any co-partnership or body politic, owning or holding shares of stock in said companies, shall be bound and held liable respectively in the capacity in which said stock or shares of stock are held, and for twelve months after any transfer or sale thereof, for the redemption of all of said notes or bills that may be issued and put in circulation by virtue of the first section of this act, to an amount double the stock or shares thus owned by each, upon failure of the company to redeem the same.

Stockholders held in double the amo't of their stock.

SEC. 3. *Be it further enacted*, That in case of an issue of notes or bills, and put in circulation by said company, greater than is hereby authorized, the president and directors, under whose administration it may have occurred. shall be liable and held responsible for the redemption of all the issues of said company in their individual and private character, and suit may be instituted against them, or either of them, in any court having competent jurisdiction, by any creditor of said company holding the notes or bills thus issued by said company, and such suits may be prosecuted to judgment and collection against said parties, any condition or agreement to the contrary notwithstanding, but the incorporation shall not on account of this provision be less liable or chargeable with such excess or over issue: *Provided, however*, That the president and such of said directors as may have been absent when such excess

President and Directors when liable.

or over issue was authorized, created or contracted, or who may have recorded their votes, if present, on the minutes of the board of directors against such excess or over issue, shall not be held subject to liability under this provision.

Penalty
for over
issue.

SEC. 4. *Be it further enacted*, That it shall be illegal for said company, by order of their board of directors, or by the action of any officer or officers of the said company, to issue and put into circulation an amount of notes or bills larger than the amount authorized by this act, to be issued and put into circulation by said company; and the director or directors authorizing such issue, and the officer or officers of said company issuing and putting into circulation the same, shall be guilty of a high misdemeanor, and upon indictment and conviction therefor, shall be fined in any sum not exceeding twice the amount of such over issue, and imprisoned in the penitentiary not more than ten years.

Bill less
than \$1
not to be
issued.

SEC. 5. *Be it further enacted*, That said company are hereby authorized to issue notes or bills as provided for in section one of this act, of such denomination; not less than one dollar, as may be deemed proper by said company during the suspension of specie payments by the banks of the cities of New Orleans and Mobile; but so soon as the banks of the cities aforesaid, or a majority of them, shall have resumed specie payment, then and thereafter it shall not be lawful for the said Columbus Life and General Insurance Company to issue and put into circulation any of their notes or bills of a less denomination than five dollars, unless by legislative enactment notes or bills of less denomination than five dollars are allowed to circulate in this State.

When to
redeem in
gold and
silver.

SEC. 6. *Be it further enacted*, That the said company shall within ninety days after the resumption of specie payment by the banks of the cities of New Orleans and Mobile, or a majority of them, be required to redeem their circulation in coin, and at all times thereafter keep on hand gold or silver coin, one or both, in a proportion of not less than one-third of the amount of the notes or bills it shall have in circulation, and should this

proportion be suddenly diminished by their response to an unusual presentation of its circulation and demand for coin, the deficiency must be at once remedied.

SEC. 7. *Be it further enacted*, That the said company shall be authorized to take, to retain, or receive on its loans and purchases of notes or bills of exchange, interest off at the rate of eight per cent. per annum, but it shall be entitled to charge and receive legal per cent. per annum, running interest, upon all claims hereafter due to said company, until paid: *Provided*, That said company may, in the purchase of notes or drafts, payable at its own counter, receive or retain eight per cent. per annum interest off.

Rate of
interest.

SEC. 8. *Be it further enacted*, That whenever any bill or bills, note or notes, being issues of said company, are presented at its counter for redemption, after the time fixed in the sixth section of this act for specie payments by said company, and the company shall refuse to redeem the same, either in gold or silver, the president or secretary shall, upon the requirement of the party presenting the same, write across the back of such bill or bills, note or notes, the word "protested," with the day and date thereof, and shall sign the same, and all such bills and notes so protested shall draw twelve per cent. interest from the date of the protest, until the same shall be redeemed, together with the interest that may have occurred thereon; and if any such notes or bills be presented to said company at its counter, and payment be refused, and such officer refuses to note the same protested as above provided, said company shall be subject to pay double the amount of the demand presented and refused, to be recovered by the person aggrieved in any court of record having competent jurisdiction; and the officer so refusing to note the same for protest, shall be guilty of a high misdemeanor, and on conviction thereof in a competent court, shall be imprisoned in the county jail for a period not exceeding twelve months.

Bills wh'n
and how
pro tested.
Interest,
&c.

SEC. 9. *Be it further enacted*, That if any debt or demand against said company, being part of its circulation, for an amount exceeding one hundred

dollars, shall remain unpaid for more than ten days after proper demand made for payment, the holder of such debt may file a bill in the Chancery Court having jurisdiction, for the settlement of all the debts of the company, if he elect so to do, and may, on sufficient proof of such refusal to pay, on demand, and of the continuation of such refusal made, to any chancellor or judge of any Circuit court of the State, pray an injunction to restrain the said company, and all its officers from paying out, or in any way transferring or delivering to any person any money or assets of said company, or incurring any obligation or debt until such order be vacated or modified; and if any such chancellor or judge shall be of opinion that the debt is justly due, and that the company has no just defence against the demand, and if it shall appear expedient and necessary upon the proof presented, in order to prevent fraud and injustice, he shall grant an order for such injunction: *Provided*, the company shall have reasonable notice of the application, as the chancellor or judge may prescribe, and shall not be able to show sufficient cause against the same, and the said chancellor or judge shall then proceed further to inquire on such further notice as he may prescribe, whether the said company be clearly solvent or not, and may require the officers of the company to exhibit any and all of its books, papers, accounts, assets, moneys and effects, and to be examined on oath touching the same before him, or a referee to be appointed by him; and if it shall appear that said company is not clearly solvent, then he may make an order declaring the same to be insolvent and requiring its affairs to be wound up and settled; and further, if in his opinion the safety of the creditors require it, such chancellor or judge may appoint a receiver or receivers, who shall give ample security for the faithful discharge of their duty to take charge of all the assets of the company and to close and settle its affairs, and may make all such orders for the accomplishing the same safely, properly and economically as the case may seem to require. But if it shall appear on such examination that the said company is clearly

When injunction
issue.

Receiver
when ap-
pointed.

solvent, or if there shall appear to be a deficiency of assets, and the company shall proceed and give good security for the payment of any deficiency which may exist, and that the assets shall prove sufficient to satisfy all the debts of the company to the satisfaction of the chancellor or judge, then no such receiver shall be appointed; and upon the payment of the debt complained of, the injunction and proceedings shall be dismissed. Such order shall be made for the payment of costs, &c., as the chancellor or judge shall deem just and proper: *Provided*, That such costs, &c., shall not be recovered against the company if it shall appear that suit was instituted for malicious or vexatious purposes, and that there was in reality no just grounds for the same. The proceedings to be made a matter of record in the proper court, and be subject to revision and correction by the High Court of Errors and Appeals, as in other cases.

SEC. 10. *Be it further enacted*, That in case the said company be found insolvent and settlements of its affairs be ordered as herein provided, the same shall be done upon bill filed in chancery court under the orders of the court and rules in chancery, and full distribution shall be made of the assets according to the rights of all parties. But the holders of the obligations issued by said company for circulation as money, shall be first called in and paid, and shall have priority over debts due from said company, and after the holders of the notes issued for circulation shall have been fully paid off, then the balance shall be appropriated to the payment of the ordinary creditors who shall be paid in full if there should be sufficient assets to pay them, if not, the same shall be divided pro rata amongst them, and if there should be any surplus left after paying the ordinary creditors in full, then the same shall be divided pro rata amongst the stockholders.

SEC. 11. *Be it further enacted*, That the summary remedy in this act especially given for settling up and closing the affairs of said company shall apply to the case of insolvency or presumed insolvency, but shall not be allowed in the case of a suspension only of specie payment when, and so

Injunction
dismissed

Order of
payment
in cases of
insolvency

long as such suspension shall be sanctioned by the Legislature, or by the Governor, during the recess of the same. But nothing in this act contained shall be construed so as to deprive a creditor of said company from his right to suit in any other appropriate mode of proceeding.

Dividends

SEC. 12. *Be it further enacted*, That half yearly dividends may be made of so much of the profits of the company as shall appear to the Directors proper. But no dividend shall be paid which shall touch upon the capital of the company.

**Directors
may call a
meeting of
stockhold-
ers.**

SEC. 13. *Be it further enacted*, That the Directors shall have power to call a general meeting of the stockholders at any time they may deem necessary or expedient. Any number of stockholders who are proprietors of one thousand shares of capital stock, may for the same reason call a general meeting of the stockholders, the notice and call in both cases to be public and reasonable.

**Report to
Auditor,
when and
how made**

SEC. 14. *Be it further enacted*, That the company shall make to the Auditor of Public Accounts, a report once in every six months, of its true situation, showing the amount of its assets and liabilities and of what they consist; also a list of the stockholders of said company, with the number of shares owned by each. This insurance company shall be required to deposit in the office of the Probate Clerk of the county in which they may do business on the first day of April in each year, a copy of their stock-book, verified on oath, to be subject to public inspection, and said copy or certified transcript thereof shall be received as evidence in all the courts of this State.

**Capital
stock may
be increas-
ed.**

SEC. 15. *Be it further enacted*, That the said company may, at the discretion and by order of their Board of Directors, increase their capital stock, so as not to exceed, in their entire capital stock, the sum of five hundred thousand dollars, and upon such increased capital stock as the same may be actually paid in, the said company may increase their issue of notes or bills for circulation in the same proportion, that they are authorized to issue upon their present capital stock until such increased issues shall amount, with their entire issues, to the sum of five hundred thousand dollars.

SEC. 16. *Be it further enacted*, That this entire act amendatory of the charter of the Columbus Life and General Insurance company shall be in force from and after passage, any law to the contrary, notwithstanding, and shall continue for the term of fifteen years and no longer, *Provided*, the charter of said company shall continue so long; *Provided however*, That it shall not take effect until it has been accepted by stockholders owning or representing a majority of the stock of said company as part of its charter, and notice thereof given to the Governor of the State.

SEC. 17. *Be it further enacted*, That the Mississippi Mutual Insurance company, doing business at Aberdeen in this State is hereby invested with all the rights and privileges herein granted, subject to all the penalties and restrictions in this act provided, and may do a banking business on the amount of their capital stock actually paid in and their profits reserved. The stockholders in said company may increase their capital stock to a sum not exceeding two hundred thousand dollars, which shall be the limit of their entire capital whether paid subscriptions or reserved profits; *Provided*, That the bonus paid to the State by said company shall bear the same proportion to its capital that the bonus to be paid by the Columbus Life and General Insurance Company bears to the capital of the same.

Mississippi Mutual Insurance Co.

Capital stock 200-000.

SEC. 18. *Be it further enacted*, That the insurance companies to whom banking privileges are herein granted, shall not take any fire or life insurance risks, at any time, to any amount exceeding the reserved profits and unpaid dividends of said companies during the time for which banking privileges are herein granted.

Fire and life insurance, how taken.

SEC. 19. *Be it further enacted*, That nothing in this act contained shall be construed to take away from the Legislature the power to tax the capital stock, or issue of said corporations, in whatever manner or in whatever amount shall be deemed to the best interest of the State; *Provided*, That the tax levied shall never be at a lighter rate than for other loaned money in this State; *And Provided also*, That when such tax is levied the company

Capital stock, how taxed.

shall be discharged from paying any bonus to the State.

SEC. 20. *Be it further enacted*, That all acts and parts of acts which conflicts with the provisions of this act are hereby rendered inoperative so far as they affect this charter and no farther.

J. P. SCALES,

Speaker of the House of Representatives.

JAMES DRANE,

President of the Senate.

Approved January 25, 1862.

JOHN J. PETTUS.

[CERTIFICATE.]

SECRETARY OF STATE'S OFFICE,

Jackson, Miss., March 6, 1862.

This is to certify that the foregoing printed Acts, Resolutions and Memorials, passed at a regular session of the Legislature of the State of Mississippi, held in Jackson in the months of November and December, 1861, and January 1862, are just and true copies from the originals in the office of the Secretary of State.

Given under my hand, and the great seal of the State of
[L. s.] of Mississippi, the day and year first above
written.

C. A. BROUGHER,

Secretary of State.

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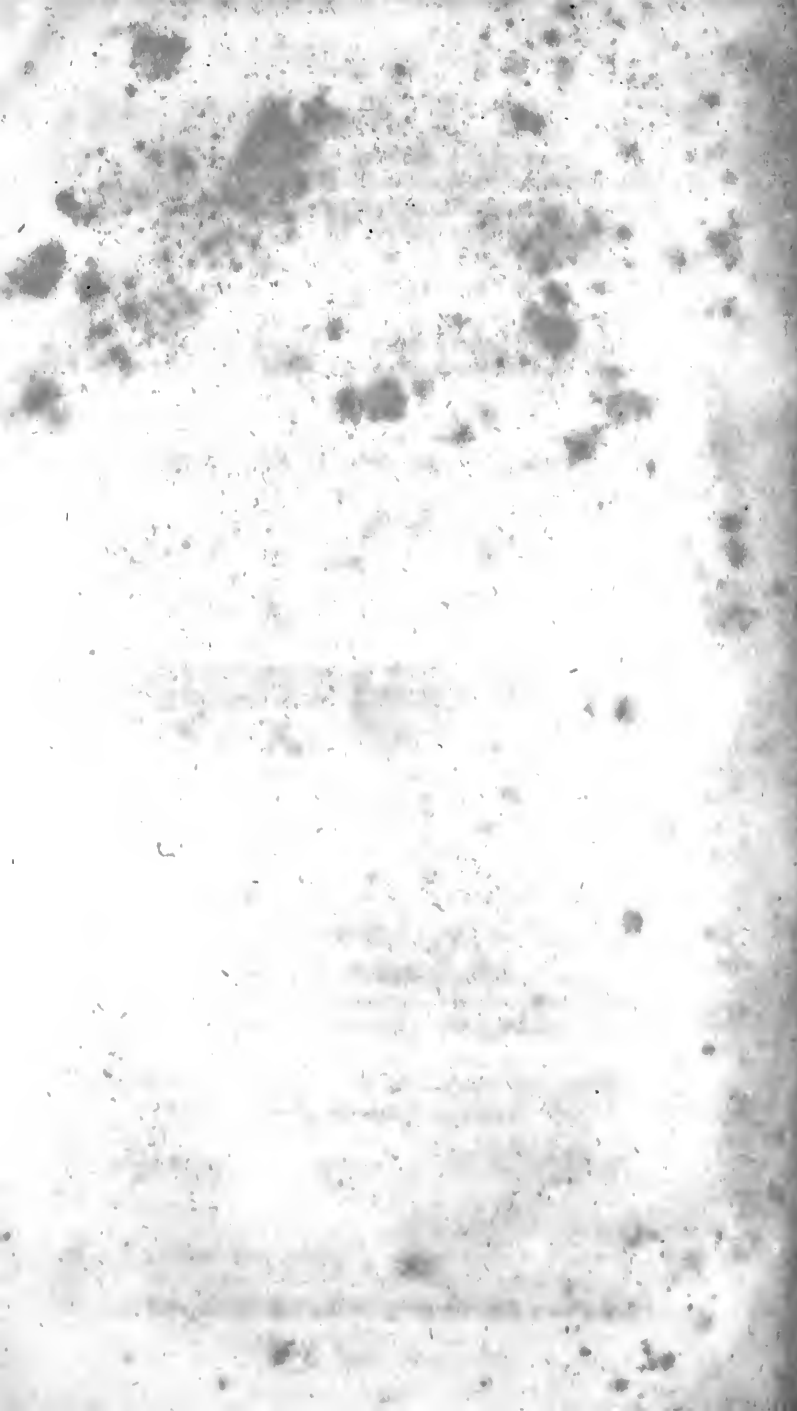
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